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Vol VI.

The Council assembled at the Council Chamber, Fort St. George, at 11 a.m. on Monday the 13th March 1922, the Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR Avargal, B.C.S.I., C.I.E., President, presiding.

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No.* 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Mappilla elementary schools under new scale of teaching grants.

1352 Q.—Mr. K. KUNHAMMAD KOYA SAHIB : Will the Hon'ble the Minister for Education be pleased to state—

(*a*) whether it is a fact that the introduction of the new scale of teaching grants, which gives no grant in respect of average attendance of pupils, has adversely affected the aided elementary Mappilla schools ;

(*b*) what steps have been taken to safeguard the interests of Mappilla schools so that they may not suffer under the new scale, and how far such steps, if any, have been carried out by the Education Department ; and

(*c*) how many appeals have reached the Director of Public Instruction from the managers of Mappilla schools, representing their grievances in connexion with the smallness of grants under the new system, and what action the Director has taken for the redress of such grievances ?

A.—(*a*) The scale of teaching grants approved in September 1919 adversely affects girls' schools and schools intended for or chiefly attended by backward classes including Mappillas, particularly if they are staffed by untrained teachers.

(*b*) In 1919 and 1920 the Director of Public Instruction issued instructions to inspecting officers to see that aided elementary schools for Panchamas and girls and schools attended chiefly by backward classes or castes including Mappillas were given liberal treatment under article 16 of the Grant-in-Aid Code and further to see that the grants assigned in 1919–20 and 1920–21 were not less than the grants admissible under the rules formerly in force. Grants-in-aid to elementary schools are now made by District Educational Councils, and the Inspector of Schools, Malabar, reported to the Director of Public Instruction that following the instructions on the matter issued in previous years the assignments recommended to the District Educational Councils for schools of this class for 1921–22 were so adjusted as not to be less than what the schools would have obtained under the old rules.

(*c*) No appeals have reached the Director of Public Instruction.

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Redistribution of Mappilla ranges of Sub-Assistant Inspectors of Schools.

1353 Q.—Mr. K. KUNHAMMAD KOYA SAHIB: Will the Hon'ble the Minister for Education be pleased to state—

(*a*) whether, when new ranges of sub-assistant inspectors of schools were opened in Malabar in 1919 and 1921, the Government took into consideration the question of the redistribution of Mappilla ranges; and

(*b*) whether it is a fact that the two ranges of Mappilla sub-assistant inspectors are larger in area and heavier in the numbers of schools than the ranges of Hindu sub-assistant inspectors?

A.—(*a*) Additional ranges were opened in Malabar district in 1919 and the Director of Public Instruction considered at the time the question of redistribution of Mappilla ranges also. No new ranges were formed in 1921.

(*b*) The answer is in the affirmative. There are, however, three ranges of Mappilla sub-assistant inspectors in Malabar.

Abolition of capitation allowance to Board and Municipal Elementary Mappilla schools.

1354 Q.—Mr. K. KUNHAMMAD KOYA SAHIB: Will the Hon'ble the Minister for Education be pleased to state—

(*a*) whether final orders have been passed on the question of abolishing capitation allowances to teachers of board and municipal elementary schools, and, if orders have been passed, how the interests of teachers in Mappilla schools have been safeguarded in regulating their pay, as they have been drawing double the rate of capitation allowance paid in the case of Hindu schools owing to the difficulties of work in Mappilla schools; and

(*b*) whether, in connexion with the abolition of capitation allowance any difference has been made between the salaries of teachers in Hindu and Mappilla schools respectively?

A.—Final orders have not yet been passed on the question of abolishing capitation allowances to teachers of Board and Municipal elementary schools.

Training of Mappilla teachers.

1355 Q.—Mr. K. KUNHAMMAD KOYA SAHIB: Will the Hon'ble the Minister for Education be pleased to state—

(*a*) having regard to the existing scarcity of trained Mappilla teachers for Mappilla schools, what steps, if any, have been taken or are contemplated for training Mappilla teachers to a more adequate extent; and

(*b*) how many Mappillas have applied for admission during each of the past five years to the various training schools in Malabar, and how many have secured admission?

A.—(*a*) Government maintain a special training school for Mappilla teachers at Malappuram, while applicants are received also into the other training schools in Malabar district, viz., at Calicut, Cannanore, Tellicherry and Palghat.

(*b*) Government have no information regarding the number of Mappillas who have applied for admission to training schools but are informed that 80 students were under training in the year 1920–21.

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Higher elementary schools for Muhammadans in Malabar.

1356 Q.—Mr. K. KUNHAMMAD KOYA SAHIB: Will the Hon'ble the Minister for Education be pleased to state—

(*a*) how many complete higher elementary schools there are in Malabar to meet the special educational needs of the Muhammadan community; and

(*b*) whether the Government have considered the question of opening higher elementary schools for Mappillas in important Mappilla centres like Angadipuram, Ottapalam, Wandur, Manjeri, Kundotti, Pandikkad and Cheruvadi?

A.—(*a*) There are five complete higher elementary schools for Mappillas in Malabar and several schools for Mappillas which have the seventh or some lower standard as the highest. In addition, Mappillas are freely admitted into other schools which are not specially intended for them.

(*b*) The answer is in the negative. The opening of elementary schools is mainly for the consideration of the local bodies concerned.

Enhanced travelling allowances for Sub-Assistant Inspectors of Schools in Malabar.

1357 Q.—Mr. K. KUNHAMMAD KOYA SAHIB: Will the Hon'ble the Minister for Education be pleased to state whether, in view of enhanced scales of travelling allowance having been sanctioned for sub-assistant inspectors of schools in other districts, orders have also been issued increasing the fixed travelling allowances of such officers in Malabar and other special tracts?

A.—The answer is in the negative as the question of treatment of special tracts is still under consideration.

The Madras Excise Licensing Board.

1358 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the Hon'ble the Minister for Education (Excise) be pleased to state—

(*a*) whether any reduction in the number of arrack, toddy and foreign liquor shops has been effected since the Excise Licensing Board came into existence in the Madras City; if so, what the present number is as compared with that in the year when there was no Licensing Board;

(*b*) whether the Government intend to increase the non-official element on the Madras Excise Licensing Board and thus make it more representative in character;

(*c*) whether it is a fact that the Board of Revenue vetoed the resolution of the Madras Excise Licensing Board of the 12th January 1921 regarding removal of the *pattai* arrack shop from Tata Muthiappan street, Georgetown, Madras, on the ground that the resolution had not been passed by a two-third majority as required by rule 12 of the rules regulating the constitution and functions of the Board, though five members voted *for* and three *against* it, the total strength being only eight;

(*d*) whether the resolution of 22nd December 1920 and the resolution of 12th January 1921 can be regarded as resolutions passed within the same year; if not, why a two-third majority was insisted on by the Board of Revenue in the case of the resolution of 12th January 1921 which modified the resolution of 22nd December 1920;

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(*e*) whether it is a fact that the Government have bought a piece of land in Tata Muthiappan street, Georgetown, Madras, to erect a model arrack shop;

(*f*) whether it is a fact that the members of the Madras Excise Licensing Board are not entitled to obtain information in regard to the revenue of each of the shops, *pattai* arrack, foreign liquor, toddy, ganja and opium, in the city; and

(*g*) how many resolutions of the Madras Excise Licensing Board were vetoed by the Board of Revenue during each of the years 1918 to 1921 and for what reasons?

A.—(*a*) A statement is given below:—

	Toddy shops.	Arrack shops.	Foreign liquor taverns.
1917–18 .. .. .. (When there was no Excise Licensing Board).	69	21	10
1921–22	61	20	10

(*b*) There is no such proposal before the Government at present.

(*c*) The Government have no information.

(*d*) As the arrack lease runs from April to March the resolutions referred to by the member would fall within the same lease year.

(*e*) Yes.

(*f*) The attention of the member is invited to rule 9 of the rules regulating the constitution, functions and the conduct of business by the Madras Excise Licensing Board.

(*g*) The Government have no information except in respect of the case mentioned in the press communiqué dated 9th September 1920.

Elementary school teachers.

1359 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB: Will the Hon'ble the Minister for Education be pleased to state—

(*a*) whether it is a fact that the orders of the Government to abolish the capitation allowance to elementary school teachers have been given effect to while the increased pay proposed for them in lieu of the allowance has yet to be sanctioned; and

(*b*) whether the Government intend to continue the allowance until these teachers can be given the increased pay?

A.—(*a*) No.

(*b*) Yes.

Mrs. Paul of the Government Training School for Women, Guntūr.

1360 *Q.*—Munshi MUHAMMAD ABDUR-RAHMAN SAHIB: Will the Hon'ble the Home Member and the Hon'ble the Minister for Education be pleased to state—

(*a*) whether he has received a threatening printed letter, dated 18th September 1921, and a pamphlet from Mrs. M. D. Paul, the *ex*-headmistress of the Muhammadan Training School for Women, Guntūr, containing

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serious insinuations against the Hon'ble the Minister for Education, the Director of Public Instruction and Inspectress of Girls' Schools, Bellary, etc.;

(*b*) whether the printed memorial contains the name of the printer and the press wherein they were printed;

(*c*) whether it is not necessary under the Press Act, I of 1910, section 4, that the printer should give his name and the name of the press at the end of such printed memorials;

(*d*) what action has been taken by the Government against the printer and the press; and

(*e*) what action has been taken by the Government on these petitions?

A.—(*a*) The Government received a printed petition from Mrs. Paul. It is not 'threatening' nor does it contain 'serious insinuations' against the Hon'ble the Minister for Education.

(*b*) The letter bore the name of the press at which it was printed.

(*c*) No.

(*d*) None.

(*e*) The Government passed orders declining to accede to Mrs. Paul's prayers.

The Boilers and Factory Inspection Department.

1361 *Q.*—Mr. C. NATESA MUDALIYAR: Will the Hon'ble the Member for Revenue and the Hon'ble the Law Member be pleased—

(i) to state (*a*) the names, (*b*) the respective general and technical educational qualifications, and (*c*) the lengths of Government service, of the present Factory and Boiler Inspectors;

(ii) to furnish a comparative statement of the receipts and charges of the Boilers and Factory Inspection departments respectively for the years 1911–12, 1920–21 and 1921–22 (probable) under the following heads, viz.—

(1) receipts from fees and fines,

(2) charges for (*a*) inspectors, (*b*) establishment, (*c*) travelling allowance, (*d*) contingencies; and

(iii) to state the number of visits made by (*a*) the Boiler Inspection staff and (*b*) the Factory Inspection staff to each of the 26 districts (to be given separately) for regular or cursory, etc., inspection purposes during the years (1) 1918–19 and (2) 1920–21?

A.—(i) The following statement gives the information asked for:—

Names.	General and technical educational qualifications.	Lengths of Government service.
	Factory Inspectors.	
1. Mr. S. A. Cartledge.	Possesses Victoria University Sanitary Inspector's certificate; has undergone courses of study in (*a*) Hygiene, (*b*) Chemistry, (*c*) Building Construction, (*d*) Honours Plumbing (Theoretical), and Sanitary Engineering.	Six and a half years.

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Names.	General and technical educational qualifications.	Lengths of Government service.
	Factory Inspectors—cont.	
2. Mr. M. Krishnaswami Ayyar.	Has passed Matriculation Examination; is a Licentiate in Textile Manufacture in first class; possesses a certificate of proficiency on cotton manufacture by the City and Guilds of London Institute.	Two and a half years.
3. Mr. G. Verghese.	Has passed Matriculation Examination; holds the Diploma of Licentiate in Mechanical Engineering from the Victoria Jubilee Technical Institute, Bombay, and a certificate in "Electrical Lighting and Power Transmission" from the City and Guilds Institute, London; is a graduate member of the Institution of Electrical Engineers, London; possesses the Engineer's certificate of competency granted by the Bombay Government under the Bombay Boiler Inspection Act Rules.	Two and a half years (excluding the temporary service put in the Department of Industries).
	Boiler Inspectors.	
1. Mr. G. L. W. O'Brian.	*Matriculation.*—Apprenticed as Mechanical Engineer for a period of five years. Special course of six months in Carpentry and Pattern-making. Studied Mechanical Engineering and completed a full course in Applied Mechanics, Hydraulics, Mechanical Drawing, Machine Design and Construction, Elementary Electrical Engineering and successfully passed the Mechanical Engineer's examination obtaining a first-class certificate of competency. Practical experience as Engineer in Factories, Cotton Spinning and Weaving Mill, Steamers, Construction of Uganda-Mombassa Railway and erection of water-works plant.	Twenty-nine years of which 19 years are in the service of the Government of Madras.
2. Mr. J. G. Baskett.	*Matriculation.*—Studied for the Provincial Civil Service. Apprenticed as Mechanical Engineer for a period of six and a half years. Special course in Drawing and Estimating. Obtained second class Engineer's certificate of competency. Practical experience as Engineer in Sugar works, steamers, dredgers and workshops.	Thirty-six years.
3. Mr. J. L. Thompson.	*Matriculation.*—Apprenticed as Mechanical Engineer for a period of four years. Studied Mechanical Engineering and qualified in the following subjects:— Applied Mechanics. Theoretical Mechanics (Solids). Theoretical Mechanics (Fluids). Sound, Light and Heat. Steam and the Steam-engine. Geometrical Drawing, Fitters work and Free-hand Outline Drawing. Passed Mechanical Engineer's Examination and obtained a first-class certificate of competency. Practical experience as Engineer in Steamers and as Engineer Surveyor to the London and Lancashire Fire and Law Accident Insurance Companies, Manchester.	Eight years.

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Names.	General and technical educational qualifications.	Lengths of Government service.
	Boiler Inspectors—cont.	
4. Mr. S. A. Davis.	*Matriculation.*—Apprenticed as Mechanical Engineer for a period of 5 years. Studied Mechanical Engineering and completed a course in Elementary Applied Mechanics, Mathematics, Machine Drawing and Construction and obtained a second-class Mechanical Engineer's certificate of competency. Practical experience as Engineer in Workshops, Steamers and Jute Mill.	Three and one-fourth years.
5. Mr. D. A. McCready.	*Matriculation.*—Apprenticed as Mechanical Engineer for a period of 6 years. Two years' technical course in science classes. Practical experience in Engineering Works, Steamers, and Power House.	Six months.

Factory Department.

(ii) There are no receipts from fees; separate figures for receipts from fines are not available, as fines levied under the Indian Factories Act are merged in receipts under "Administration of Justice—General fees, fines and forfeitures." Separate figures of expenditure on account of Factory Inspectors are not available for the year 1911–12, as there was no whole-time Inspector until the 14th July 1912. The expenditure under the several heads mentioned during the year 1920–21 and the probable expenditure during the year 1921–22 are as under :—

	1920–21	1921–22
	RS.	RS.
Inspectors (Salaries) ..	19,365	24,400 (in India).
		2,400 (in England on account of leave allowances of Mr. S. A. Cartledge).
Establishment	7,248	8,900
Travelling allowance ..	9,304	15,500
Contingencies	3,597	3,900
Total ..	39,514	55,100

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Boiler Department.

The following statement shows the receipts and charges of the Boiler Inspection department for the years 1911–12, 1920–21 and 1921–22 (probable) :—

Year.	Receipts.	Charges.			
		Inspectors.	Establishment.	Travelling allowances.	Contingencies.
	Rs.	Rs.	Rs.	Rs.	Rs.
1911–12	25,309	17,595	2,533	5,640	468
1920–21	44,405	29,752	8,986	20,415	990
1921–22 (probable) ..	48,500	38,300	9,700	21,600	4,100 *

* The amount shown under Contingencies for 1921–22 includes Rs. 3,224 for purchase of new test apparatus for the department.

Factory Inspection.

(iii) The Honourable Member is referred to G.Os. No. 1346, Judicial, dated 12th June 1919, and No. 1065, Development, dated 16th June 1921, which were placed on the Editors' Table. The figures given there are for the calendar years.

Boiler Inspection.

The following statement shows the number of *visits* made by the Boiler Inspection staff for regular or cursory inspection during the years 1918–19 and 1920–21 :—

District.	Number of visits.		Remarks.
	1918–19.	1920–21.	
Ganjam	5	2	The figures represent the number of *visits* (or tours) made in each district and *not* the number of *inspections* carried out. Please see also the statement given below in regard to the number of inspections made by the Boiler Inspectors during the year 1918–19. Similar figures for 1920–21 are not available.
Vizagapatam	7	6	
Gōdāvari	8	7	
Guntūr	12	11	
Kistna	16	17	
Nellore	6	7	
Cuddapah	4	3	
Anantapur	10	5	
Bellary	8	5	
Kurnool	6	4	
Chingleput	54	31	
North Arcot	9	4	
Chittoor	2	1	
South Arcot	7	7	
Tanjore	16	11	
Trichinopoly	7	4	
Madura	16	9	
Ramnad	5	5	
Tinnevelly	11	8	
Coimbatore	11	20	
The Nilgiris	9	18	
Salem	3	4	
South Kanara	3	3	
Malabar	9	6	
Cochin-Anjengo	2	4	

Note.—An Inspector being available at all times, visits in the City of Madras are not included in the statement.

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Statement showing the number of *inspections* made by the Inspectors of Steam-boilers and Prime-movers during the year 1918–19—

Districts.	Number of boilers inspected during the year.				
	Once.	Twice.	Thrice.	More than three times.	Total.
Ganjām	32	16	..	..	48
Vizagapatam	30	20	4	..	54
Gōdāvari	90	50	..	..	140
Guntūr	65	40	..	..	105
Kistna	105	75	4	..	184
Nellore	23	15	..	..	38
Cuddapah	17	12	..	..	29
Anantapur	60	40	5	..	105
Bellary	43	15	..	2	60
Kurnool	31	15	2	..	48
Chingleput	16	16	5	7	44
North Arcot	21	12	3	..	36
Chittoor	3	..	..	..	3
South Arcot	29	20	..	..	49
Tanjore	123	80	..	..	203
Trichinopoly	38	20	4	..	62
Madura	86	60	..	..	146
Ramnad	11	6	..	..	17
Tinnevelly	63	45	..	..	108
Coimbatore	44	30	5	3	82
The Nilgiris	36	20	..	..	56
Salem	3	3	..	..	6
South Kanara	14	20	..	..	34
Malabar	63	40	..	..	103
Cochin-Anjengo	10	8	..	..	18
Madras	229	150	15	10	404
Total ..	1,285	828	47	22	2,182

NOTE.—(1) In addition to these inspections, 84 thorough inspections of the mufassal municipal water-works plants, The King Institute and Experimental Filters, Guindy, were made and tests held.

Sixty-six visits were made to the several workshops in Madras in connexion with the repairs to the water-works plant.

Seven boilers were inspected at Bangalore and Kolar Gold Fields, one at the Saw Mills, Trichur, and one at the Singareni collieries. These boilers were located outside the jurisdiction of the Act and inspections were made only after the sanction of Government was obtained.

Four boilers were examined in Coorg under the orders of Government.

Nineteen boilers in vessels of Inland water-ways and seven boilers of the Port Department were examined under the orders of Government.

(2) Detail figures for 1920–21 are not available.

Schooners and motor-boats of the Fisheries Department.

1362 Q.—Rao Sahib U. RAMA RAO: Will the Hon'ble the Minister for Development be pleased to state—

(*a*) how many schooners and motor-boats the Fisheries Department has got;

(*b*) whether it is a fact that one of them named the 'Lady Nicholson' has cost more than a lakh of rupees;

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(*c*) in what work and for what period this vessel is employed in each year and what the cost of maintaining her is;

(*d*) though the department possesses such expensive vessels, what was the necessity to get another steam-launch for which a demand of Rs. 35,000 was made by the Minister recently;

(*e*) whether it is a fact that a European officer on Rs. 500 to Rs. 1,000 has been appointed to look after these vessels and to manage the chank fishing; and

(*f*) whether it is a fact that, when this European was away on long leave for more than a year, his duties were carried on by an Indian subordinate officer; and if this Indian has done his work satisfactorily, what is the need to employ this highly paid European officer?

A.—(*a*) One schooner (the 'Lady Nicholson'), two motor-launches and two smaller motor-boats.

(*b*) The answer is in the affirmative.

(*c*) The work of the vessel consists primarily of—

(1) The inspection and survey of the pearl banks and chank beds of the Tinnevelly and Ramnad coasts. Pearl fisheries cannot be held unless the oyster beds are located, and without a suitable sea-going vessel location is impossible.

(2) Acting as depot ship during pearl and chank fisheries, when she serves as the headquarters afloat of the Assistant Director (Marine) and his staff, and of the Government inspection divers.

When in commission her service for the above duties lasts from November to May in the Gulf of Mannar, and from the end of July to the end of September in Palk Bay. The interval, when the south-west monsoon renders work at sea impossible, is occupied by the annual overhaul.

During the present financial year, her services could not be utilized owing to the need to refit her with more powerful engines.

Upkeep cost for the first nine months of the present year was—

	Rs.	A.	P.
Contingencies	834	15	9
Establishment	2,021	8	8
Total ..	2,856	8	5

Next year, when at work again, the estimated cost of running the vessel is Rs. 14,751.

(*d*) The Government propose to carry on, along the coasts of the Presidency, important fishing experiments on new and improved lines with forms and sizes of nets not hitherto employed in Indian fishing, and particularly with the Danish seine, which at the present time appears likely to revolutionize certain long-established fishing methods on the British coasts.

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None of the vessels now available, including the 'Lady Nicholson,' is suitable for this work; hence the necessity for a new launch specially designed for the purpose named.

(*e*) There is an European officer on Rs. 600—40—1,000 employed as Assistant Director (Marine). His principal duty is to carry on chank fishery operations with the vessels referred to above, to inspect and control the pearl and chank beds, to maintain the departmental vessels and to organise and to supervise the important fishing experiments mentioned in clause (*d*) above.

(*f*) The reply to the first part of the question is in the affirmative. But for the purpose of carrying on inspection of pearl and chank beds, for the supervision and organization of the new fishing experiments with sea-going craft, and for the efficient management and upkeep of the departmental vessels a marine officer with nautical experience is necessary and Mr. Allan, the present Assistant Director (Marine), possesses these qualifications.

Minimum attendance for technical examinations.

1363 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the Hon'ble the Minister for Education be pleased to state—

(*a*) whether, and, if so, what proposals have been received from the Principal of the College of Commerce regarding a minimum attendance for students who wish to appear for technical examinations; and

(*b*) whether the Legislative Council and the public will be given an opportunity to offer their remarks on the said proposals before the Government pass orders thereon?

A.—No such proposals have been received by the Government.

Crimes reported in police stations of Anantapur district.

1364 *Q.*—Mr. P. SIVA RAO: Will the Hon'ble the Home Member be pleased to furnish a comparative statement of the crimes reported in the police stations of Mudigubba and Kodavandlapalli in the Kadiri taluk and in the neighbouring stations of Patnam, Bukkapatnam and Tadmeri in the district of Anantapur for the last six (6) years, with particulars of which of them were detected and charged and which of them ended in conviction?

A.—The Government are not in possession of the information desired.

II

ACT ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

The Hon'ble the PRESIDENT:—"I have to inform the House that the Madras Revenue Recovery (Temporary) Amendment Act, 1922, has received the assent of His Excellency the Governor on the 5th March 1922."

III

AMENDMENT TO THE STANDING ORDERS.

Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, with regard to the notice which was given by Mr. Natesa Mudaliyar as to the amendment of Standing Order No. 54, the facts disclosed by the report of the Select Committee will demonstrate that the whole question was considered by the

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Select Committee in which Mr. Natesa Mudaliyar put forward his point of view and it was agreed on all hands that having regard to the pendency of the proceedings in the Council of State and the Legislative Assembly bearing upon Sir Maneckji Dadhabhai's resolution to the same effect the matter may be dropped at present."

IV

A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919.

The Hon'ble the PRESIDENT :—" The House will now resume consideration of the Bill to amend the Madras City Municipal Act, 1919. On the last occasion when this Bill was under consideration, it had before it the amendment moved by the Hon'ble the Home Member Sir Lionel Davidson to clause 4. The amendment was to omit from the explanation in sub-clause (1) the words 'thereof' or 'a portion thereof' and the words 'at cost price' or 'at less than or more than the cost price'. That was the amendment which was under discussion. The further consideration of the Bill was adjourned to this day."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—" Sir, I beg to move that the consideration of this may be taken up after lunch to-day."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I second it."

The motion was put and carried.

V

A BILL TO AMEND THE COURT FEES ACT, 1870.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" Mr. President, I beg to present the report of the Select Committee on the Bill to amend the Court Fees Act, 1870. I further move, Sir, that the Bill as reported by the Committee be taken into consideration."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I second it."

The motion was put and carried.

The Hon'ble the PRESIDENT :—" I shall now submit the Bill clause by clause for the consideration of the House. The preamble will lie over until we have finished the clauses."

CLAUSE 1.

Amendment 1.

Mr. P. VENKATASUBBA RAO :—" Sir, I beg to move—

'1. *In sub-clause* (*a*) *insert the word* "*Temporary*" *before the word* "*Amendment*".'

" It has been explained by the Hon'ble the Law Member that there will be a deficit of 105 lakhs and the taxation Bills yield a revenue of 77 lakhs. The deficit can only be temporary, and I do not think we shall be justified in passing this measure permanently now, because we are not sure what the financial condition of the province will be next year. There is the probability of a remission of a sum of one crore of rupees of our contribution to the Government of India. Moreover, Government have not made sufficient attempts to effect retrenchment, and what retrenchment they have so far made is more or less a paper retrenchment. Besides, Sir, if it is found necessary at the end of the next year, we can extend the period of the Bill. I commend my amendment to the House."

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13th March 1922] [Mr. P. Venkatasubba Rao]

Clause 1—*cont.*

Mr. N. A. V. Somasundaram Pillai seconded the motion.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"Mr. President, in moving the introduction of this Bill, I pointed out to the House that the charges for judicial administration are not covered by the revenue at present received. I drew also the attention of the House to the fact that unless there is an increased production of court fees to the extent of about 30 to 35 lakhs, we cannot balance the receipt and the expenditure. I, as a lawyer, Sir, would have been exceedingly pleased indeed not merely not to raise the court fees but also to reduce it; for, every lawyer believes that justice is one of the elementary duties of the State and has got to be provided for from general revenues. But, unfortunately, the position of this Province now is such that it is impossible to achieve that ideal, and I think that it is our duty to raise as much revenue out of Court Fees as is needed to relieve the general revenues from the burden of maintaining courts. A statement I read to you on the last occasion justifies the imposition of court fees so as to raise the revenue at least to the extent of about 35 lakhs. Even that in the course of a few years, if, for instance, you keep on the necessary number of courts to do justice to the clients, would not be enough. In these circumstances, I do not find any hope of your being able to reduce the fees next year. If, for instance, you achieve some reduction in the impost which you have now got to pay to the Government of India, I think, Sir, every rupee for it ought to go to the development of this Province. In these circumstances, I am not able to see that any advantage will be gained by restricting this Act for a year with all the trouble of levying court fees at a higher rate for a year in cases which are filed during the year but which may drag on for the next five years. On the other hand, Sir, I may draw the attention of the House to a section in the existing Court Fees Act which gives all the power which is necessary and which is sought to be achieved by this amendment. Under section 35 of the Court Fees Act, the Governor in Council—it was the Governor-General in Council in the original Act; by the Devolution Act the power is now given to the Governor in Council—may from time to time by notification in the *Gazette of India*—it is now in the *Fort St. George Gazette*—reduce or remit in whole or in part of British India all or any of the fees mentioned in the first and second schedules. If, for instance, we get into a flourishing state, it will be the duty of the Finance Committee to suggest a reduction of the court fees on the side of revenue, and I for one, Sir, would be extremely glad to accept that proposition if we are in a position so to reduce it. I have not the slightest doubt that the Hon'ble the Finance Member will also agree to it. In these circumstances, there is no advantage gained in making the Act temporary. In none of the other Provinces have they made it temporary."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, in the course of his speech while introducing the Bill, the Hon'ble the Law Member was pleased to state that 75 per cent of the suits instituted were decided in favour of the plaintiff. That shows clearly that most of the litigation is not frivolous and that it is necessary that the parties should have easy access to these courts. It has been said that the question of balancing the expenditure and the receipts regarding administration of justice is to be looked into. In the course of his speech the Hon'ble the Law Member admitted that he shall be very much pleased if possible to give cheap litigation to the litigating public,

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[Mr. C. V. S. Narasimha Raju] [13th March 1922

Clause 1—*cont.*

if I understand him correctly. When that is his wish I beg to submit that this is not the only taxation left open to the provincial Governments that is capable of being adjusted from time to time. Of course there is the other taxation—Excise—which is entirely in the hands of the Executive.

"One other ground that is urged by the Hon'ble the Law Member is that it is left open to the Governor in Council to revise these rules at any time. I beg to submit that it is exactly the point where there is the real difficulty for this Council to accept it. Why should this Council give up the right of its own judgment on any particular thing and leave it to the discretion of the Executive, and why should not this Council control the taxation power from time to time. The Hon'ble the Law Member asks us to leave it to the good sense of the Executive to alter the rates according to the necessities of the province. I do submit that there may be a good number of cases in which this Council may have a wish that the expenditure must be spent in a particular way, not for augmenting the prestige of the Executive, but for nation-building purposes, such as the development of education, public health, industries, etc. Everything depends upon the way in which the budget is prepared from year to year. If the budget is prepared in a way not acceptable to this House, taxation measures will be rejected by the Council. I think that this privilege should not be taken away from us and be left to the sweet will and pleasure of the Executive. For these reasons, I support the amendment."

11-15 a.m.

Mr. C. V. VENKATARAMANA AYYANGAR :—"I also support the amendment before the House for one or two reasons. It has been said that there will be a deficit this year and it must be made up. We hope that the Government of India may come to our rescue next year, and that there will be a reduction in the amount that is to be paid to them to the extent of about one crore of rupees. Even if this hope is not realised, if any committee on retrenchment that may be appointed by the Government cannot make sufficient retrenchment (and it is absolutely necessary to introduce such a Bill as this next year), there may be a one-section Bill passed by this Council as we are accustomed to do, and the whole Act may be extended again. Therefore, it is not necessary at all to anticipate the future difficulties. The Hon'ble the Law Member referred to the question of the development of the province. We are yet to know what this development of the province is to be. Of course, it does not mean development in the Development Department, because there has not been any increase there at all. The development of the province, according to the Law Member, must be development in the increase of pay to the higher officers."

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*interrupting*) :—"What I meant was development in education, development in sanitation, development in public health, etc., which will be made if we can spare money. Whatever money the Government of India can spare us ought to go to these development departments and not to the increase of pay to the higher officers."

Mr. C. V. VENKATARAMANA AYYANGAR (*continuing*) :—"I am glad that the Hon'ble the Law Member has referred to everything except the Development Department. Whatever it may be, there is not much improvement in the various development departments, even those under the Local Self-Government Minister or the Minister for Education. There is no use of all this so long as the cry of the village officers and the non-gazetted

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13th March 1922] [Mr. C. V. Venkataramana Ayyangar]

Clause 1—*cont.*

officers is there. When our suggestion about the lower class of officers is not accepted, there is no reason why their suggestion that this measure should be made permanent should be accepted. After all, we are not in any way crippling the resources of this year. Therefore, we do not make the Government suffer very seriously if we do not legislate for future generations. For the sake of these 30 lakhs, we should not make this measure a permanent one. Therefore, I strongly support the amendment."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—" Sir, I rise to oppose the amendment for this reason: I have been saying from the beginning, that, though the deficit is a large one, it may be met by borrowing, and provision may be made for interest, sinking fund and other charges. We ought to make provision for these for the next 10 or 12 years. If my suggestion is approved—I think that even the Finance Member has come to the same opinion—if we are going to meet the deficit by borrowing, we ought to pass this Bill and the other Bill also. Even on the understanding that the deficit can be met this year by borrowing, and that next year there will be no deficit, we ought to have these Bills permanently. There is no chance of this Bill or the other Bill being altogether abrogated next year or the year after next, or at any rate, in the near future. On these grounds, I oppose the motion that this Bill be a temporary measure."

Mr. T. ARUMAINATHA PILLAI:—" Sir, I rise to support the amendment moved by my friend Mr. Venkatasubba Rao. The Hon'ble the Law Member, when he moved for the introduction of this Bill, relied upon a chit issued by the Hon'ble the Finance Member mentioning the total amount of deficit that would arise in the current year and in the next year, and ascribing the whole deficit to the activities of the non-co-operators. It was also said, if I may put my own interpretation upon it, that the deficit would only be a temporary one. It was only because it was thought to be a temporary deficit that persons like myself here opposed the introduction of the Bill and asked the Hon'ble the Law Member not to increase the court fees, but to meet the deficit by some other means. Somehow or other this Council has been good enough to give assent for the introduction of this Bill. But now, the Hon'ble the Law Member says that so far as the Judicial department is concerned, there is a deficit of about six lakhs of rupees, and there is no chance of the deficit going down, and therefore it is necessary to pass the Bill and raise the court fees. I am extremely glad to find that the Hon'ble the Law Member, as a lawyer, accepts the principle that so far as justice is concerned, it ought not to be made a source of revenue. I submit, Sir, that if the word of the Hon'ble the Chief Justice of the Madras High Court has to be given any consideration by this Government, this measure should only be a temporary one. So far as this Bill is concerned, it was originally intended to serve a temporary purpose, to meet a temporary deficit, and as such I do not think there is any necessity now to put it permanently on the Statute Book. In order to avoid this difficulty, the Hon'ble the Law Member referred to section 35 of the Court Fees Act, wherein, he says, the Governor in Council has got the power to revise the court fees according to circumstances. I submit, Sir, that it should be left to the people to judge whether it is necessary to increase the court fees or reduce them. This year we find a deficit and therefore we agree to the increase of court fees this year. Suppose next year the province becomes prosperous, it will not be necessary to increase the

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Clause 1—*cont.*

fees. The Hon'ble the Minister for Education shakes his head and says that there is no chance of that. I wish he were a false prophet at least in this direction. I submit, Sir, that so far as section 35 is concerned, it is a section which has not been availed of at any time. We have been crying hoarse for retrenchment in the cost of administration, and it has not been possible to do anything in this direction. If we put this in the Statute Book as a permanent measure, it will be giving a chance for the Government to say 'we have got money enough and it will not be possible to effect retrenchment'. Hence, if really retrenchment is to be effected, the power to have a permanent taxation should not be allowed to them. Hence, I support the amendment moved by my friend Mr. Venkatasubba Rao."

Diwan Bahadur M. KRISHNAN NAYAR :—"I oppose the amendment. Sir, my reasons are these. As I said at the time of the general discussion of the budget, I see no possibility of the deficit budget being converted into a surplus budget in the near future. So far as I can see, I see no possibility of converting it into a surplus budget at any time so long as the contribution of 348 lakhs due from this Government to the central Government has to be paid. Supposing that contribution will be given up—we have hopes of that being given up gradually, though not at once—even then, the need for having as much money as possible will continue to exist. As I said on a former occasion, the development departments—I use the expression in a broad and general sense—cannot afford to remain stationary. Remaining stationary means moving backwards. Year after year they will demand and reasonably and necessarily demand larger allotments. If the progress of the country has to be achieved, larger allotments will have to be given to them. So that, even if the Government of India relinquish the contribution due from us, enough of funds for the development of the country as a whole will not be forthcoming, and it is necessary to provide as much money as possible for these departments. So, if this amendment be now carried and if the Act be made only a temporary one, the chances are that this Council and this Government will have to go to the country with probably more objectionable methods of taxation. To avoid that contingency—that dangerous contingency—I think it is far better for the Council to choose the lesser of the two evils, namely, to have this amendment rejected. This Bill is not like the Revenue Recovery Act Amendment Bill which was considered and passed by the Council the other day. There, the Hon'ble the Revenue Member restricted the Bill to a certain period, and the Council as a whole accepted the suggestion. That Bill, unlike the present Bill, was designed to meet a temporary difficulty which is likely to pass away. But the difficulty that is now sought to be met by this Bill is not a temporary one. It is of a permanent kind. In any case, as I submitted, having regard to the need and the wisdom of choosing the lesser of the two evils—certainly taxation is an evil—let us accept this Bill as a permanent measure instead of driving this Council to accept a more objectionable method of taxation on a future occasion. For these reasons, I oppose the amendment."

Mr. C. RAMALINGA REDDI :—"Sir, I submit for the consideration of this House whether in view of the fact that the Government of India has promised to remit our contribution to the extent of nearly three and a half crores, it is necessary at this stage to put this Bill

11-30 a.m.

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Clause 1—*cont.*

permanently on the statute book. I quite realize that making the Act temporary for one or two years will not do. Our deficit is nearly a crore, and if the increments that we have been unanimously urging is to be given effect to for the village headmen, then it would probably amount to a crore and 40 lakhs. In budgeting we must always provide for a margin so that the ministerial departments might develop their activities still further. So I am against making this Act temporary in the sense of limiting it to one or two years. But there is every reason to believe that if the Hon'ble the Law Member would kindly agree to it that a five year period would probably see us in possession of all the potential assets of $3\frac{1}{2}$ crores which we are now giving to the Government of India as our contribution. On the hypothesis that that money would be available, say, within a period of five years we ought to be able to meet all our liabilities including those for development work quite comfortably. Under these circumstances I beg to know whether a limitation of a five-year period will not meet the issue fairly. There is much to be said against making justice more costly. I feel very strongly that this would affect the interests of the masses a great deal. One of the first things that a Government should secure is justice at once cheap and speedy. Making it more costly would not produce the intended prosperity or contentment of the people. I beg therefore with your permission, Sir, to enquire whether the Hon'ble the Finance Member will not be satisfied with a five-year limitation."

Mr. K. V. RAMACHARI :—" I rise to support the amendment. This Bill was originally intended to fill up a temporary deficit that we had this year. It is well known to what causes this temporary deficit is due. The fall in the excise revenue is due to non-co-operation and is temporary. Honourable members are quite aware that this non-co-operation movement is destined to die a natural death very soon; and in order to make up a deficit of a temporary nature, it is not advisable to have a permanent legislation on the statute book. Moreover, the House has expressed itself in unambiguous terms that there ought to be a drastic retrenchment in the budget that has now been before the House. By effecting retrenchment we will be able to save a large sum of money. Now we are paying a very unconscionable contribution to the Government of India. As a result of the deputation from this House, it will be seen that though there may not be any reduction during the coming year, that is 1922–23, yet there is likely to be a great reduction or permanent relief from the year 1923–24. Under these circumstances, I see no justification or necessity for placing this Act permanently on the statute book. With these words, I beg to support the amendment."

Mr. T. SIVASANKARAM PILLAI :—" Sir, without committing myself to either view, I wish to place one or two circumstances before the Council in this connexion. If this amendment is accepted, the result will be there will be increasing disinclination on the part of the clients to institute suits for one year until the expiry of the proposed term of one year. So we will not have gained our object of meeting the deficit. Consequently for want of work many of the temporary courts and even permanent courts may have to remain idle for some time. In the meanwhile every munsif will be earning his increment and that will go to make the deficit perpetual."

The Hon'ble Sir CHARLES TODHUNTER :—" May I add one word, Sir, in support of the opposition to this amendment on the part of the experienced

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Clause 1—*cont.*

administrator who sits opposite to me. In the first place it has been stated that our deficit is only a temporary deficit and that, therefore, we may borrow and so carry on the administration. I have pointed out to the House with extreme regret the fact that the deficit is not temporary. We are already in the third year of our deficits and we have not succeeded in meeting the last of them. As it is when this Bill is passed into law, we are not going to meet the whole of our deficit; it will still leave us with a considerable deficit.

"Again it was stated that we could easily meet our deficit by retrenchment. I pointed out the other day that, even if we stop every recruit and dismiss every superior officer, their pay for the year would still not cover the deficit. If honourable members will examine their own proposals for retrenchment in the budget they will see that, even if all of them are accepted, even then they will not meet the deficit. Therefore it is no use to suppose that we are going to meet the deficit straightaway out of the retrenchments proposed. On this question of retrenchment I should like to repeat what I stated the other day that we have the testimony of several members of the Finance Committee to the effect that the retrenchments which have been made cover all the retrenchments which can be made without radical changes. It is possible that we may be able to go further by making radical changes, but they cannot be made at once. Nor is it at all certain that the proposals that may be made will commend themselves to the House. Then again if we add 34 lakhs for village services—the imposition of a cess therefor was refused by the Council—that would largely increase the deficit. What are the hopes of that being extinguished by retrenchment?

"Then again, it was stated that our excise revenue is going to improve. As honourable members are well aware, the present policy of the majority of the House is one of temperance or prohibition. If the House carries out that policy—which it is within their power to do, excise being a transferred subject—then instead of reducing our deficit we shall have a much larger deficit to make up.

"Then again it was stated that we shall get back our contribution from the Government of India. I don't know how honourable members can take such an optimistic view after seeing the budget presented in the Legislative Assembly the other day. I ask those who have studied that budget whether we can entertain any hope of getting a rebate from the Government of India which in spite of the imposition of all the fresh taxation that could be thought of was still able to budget only for a deficit itself.

"Even if we get any more money we have got proposals by the score which have been advocated or passed by the House to be met. So that it will be seen that even if we get a rebate from the Government of India, we can spend it over and over again, not on the services which the Executive requires, but in meeting the demands of this House.

"Again it has been pointed out that the courts are working at a loss of about 6½ lakhs a year—although we are keeping a large number of courts temporary that ought to be made permanent, although we have got a lakh of suits pending. To provide for this, we want more courts. If we fulfil the necessities of the situation as regards courts, then in less than ten years the whole of the increase in our revenue will go on courts alone without leaving anything for meeting our deficit.

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13th March 1922] [Sir Charles Todhunter]

Clause 1—*cont.*

"Lastly I should like to reiterate what my honourable friend, Mr. Sivasankaram Pillai, stated just now about the unfairness and the difficulties that would arise if we impose a special rate of court fee for a single year and about the way in which the unfortunate people who have, on account of limitation, to bring their suits this year will suffer as compared with those who pay their fees the year before and the year after."

Mr. SAIYID MUHAMMAD PADSHA SAHIB Bahadur:—"Sir, I rise to support the amendment. The Hon'ble the Finance Member has met the reasons advanced by those who supported the amendment by saying that the deficit now facing the country is not of a permanent nature."

The Hon'ble Sir CHARLES TODHUNTER (*interrupting*):—"May I just correct him, Sir? My endeavour was to show that it was not of a temporary nature."

Mr. SAIYID MUHAMMAD PADSHA SAHIB Bahadur (*continuing*):—"I am glad to be corrected by the honourable member. The Hon'ble the Finance Member has urged that the mere fact that this deficit has been persistently present all these three years, that the country was obliged to budget for a deficit during all these years, goes to show that it is far from a deficit of a temporary character. But with due deference to his opinion, I would submit that the fact that for these three years we have been labouring under insufficiency of money is due only to the circumstance that the present times have been far from the piping times of peace. Even though the great European war had ended yet its consequences are still affecting the whole world. The dislocation of trade, the unfavourable rate of exchange and all the things which have affected the finances of the whole world are phases of a transient character which are indeed not permanent. They are sure to pass away in good time. So in spite of all that has been stated by the Hon'ble the Finance Member to show that the present deficit was of a permanent character, I still hold to my opinion that the present deficit is only of a temporary nature. So, Sir, when we know for certain that the thing for which we are providing a remedy is only of a temporary character, we shall not be justified in exploiting this opportunity to permanently increase the sources of the finances of the country at the expense of the poor tax-payer. It is unjust to do so and the injustice of it becomes all the more flagrant when we consider the nature of the enhancement that is proposed to be made. It has been admitted even by the Hon'ble the Law Member that administration of justice should not be made a source of revenue to the Government, and if the Council consented to the passing of this Bill for meeting the deficit, it is only for this reason that it felt confident that the enhancement in court fees would only be for a short period and that it will not be allowed to remain on the statute book for all time to come. We would therefore not be justified if, instead of making this a temporary measure in order to meet a temporary deficit, we try to make it permanent and thereby increase the sources of revenue to the Government. Another reason for making this Bill temporary is that even if we have not succeeded in our recent attempt to get a remission of our provincial contribution from the Government of India, yet we hope to get that in the near future.

"Another reason for recommending this Bill to be only a temporary measure is that this would act as an inducement to the Government to try and effect a radical, substantial retrenchment. If

11-45 a.m.

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[Mr. Saiyid Muhammad Padsha Sahib] [13th March 1922

Clause 1—*cont.*

this Bill is allowed to be permanent and the Government is able to make about 30 or 35 lakhs every year from this enhanced rate, it would, at the expense of the public, altogether obviate the necessity for the reduction of expenditure. Thus the apathy the Government have always evinced in the matter of retrenchment would be kept up. If the Government is not willing to reduce the expenditure, then we can tell them plainly that the fact that there has been a temporary deficit should not induce them to increase the rates of court fees permanently."

Mr. S. T. SHANMUKHAM PILLAI :— 'I strongly oppose this amendment. It will not be possible for us to make up the deficit without increasing our receipts even though the contribution to the Imperial Government is waived. Money is required for the development of various industries. There is no possibility of finding money unless we develop our resources in all possible ways. This is only one of the ways and a harmless way too. I think the retrenchment will be carried on even after the passing of this Bill, and the Hon'ble the Finance Member has not laid aside his pruning knife. I do not think that, with these two sources, we shall be able to wipe off the deficit. The Hon'ble the Revenue Member also must expand the revenue by developing the existing sources. There is another strong reason. This measure will indirectly operate as an effective check against litigation which is as ruinous as drink. We are for putting down the drink evil, and we must work for the avoidance or prevention of litigation also. The middle and lower classes are ruined by litigation, which it is that has increased and is increasing the establishments of law courts involving enormous expenditure. This Act will do immense good to the poor and middle classes by the enhancement of court fees."

Mr. B. MUNISWAMI NAYUDU :—"Sir, on principle I am in sympathy with the amendment. The only thing that can influence me to oppose it is a promise by the Government that the pay of the village officers will be enhanced. If the Government are prepared to promise that, I should think that this Council will be prepared to oppose the amendment. If the pay of the village officers is enhanced, it will mean a recurring expenditure of 34 lakhs to the Government and it will be proper that by this Bill at any rate the enhanced pay that would have to be paid by the Government shall be secured. Apart from the question whether it is good to enhance the stamp duty upon litigation and to divert a portion of it to the pay of village officers, having regard to the financial stringency and the loud clamour for increased pay of the village officers and the necessity to increase the same, I am prepared to request the Council to come to the support of the Government if it is prepared to consider the case of the village officers favourably. Of course our approval is subject to the preparedness of the Government to consider the question of lowering court fees at a future date when the contribution to the Government of India is reduced. Another view I should like to impress on the Council is that we are calling upon the Government to bring down the excise revenue which represents about a half of the income of the Presidency. The net income from land revenue is only $4\frac{1}{2}$ crores, but the net income from excise is $5\frac{1}{2}$ crores. If the House is anxious that that excise revenue should go, they should see that some other form of taxation takes its place as soon as possible. We would be able then to point to the Government another form of taxation. After all the contribution to the Government of India is only

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13th March 1922] [Mr. B. Muniswami Nayudu]

Clause 1—*cont.*

3½ crores, but the loss from excise would be over 5 crores and we would have to provide for about 2 crores of revenue more. I oppose the amendment and request that the Government would state definitely whether they intend to provide for the village officers this year or not. If they are not able to do so, this Bill will have to be opposed."

Mr. S. SOMASUNDARAM PILLAI:—"I really sympathise with those members who supported the amendment. But the object of this Bill is to cover a deficit, and there is no chance of the deficit being removed in the nearest future. Even if the Bill is passed there will be a deficit of 28 lakhs: that means borrowing elsewhere which in its turn means payment of interest. We do not know in how many years we could discharge the debt. Such being the case how can we be sure that our finances would improve? Always every Act for the taxation of the people begins as a temporary measure and in the end it is almost in every case made permanent. It was in the year 1885 or 1886, during the viceroyalty of Lord Dufferin, that income-tax was introduced as a temporary measure on account of what was called the Burmese War. It has taken a root, a very deep root. That is what many honourable members seem to fear. If new taxes have to be levied, taxation should be levied on luxuries, and this is a tax on luxuries, for litigation is not one of the necessities of life.

"Secondly, it has been remarked that it would be a check upon litigation. It is true; for there are many factories for the manufacture of litigations and these factories will be closed if this Bill is passed. By far, the major portion of the litigation in this country is manufactured. Such a state of things should be put an end to.

"Further, we want money to develop our resources, to make good the loss in the revenue from drink. Even if the contribution to the Government of India is waived we can utilize the money for the departments which develop the resources of the country. There is also a tendency for the Judicial Department not to take any measures for retrenchment. Only the other day I read that they were going to open a new District Munsif's Court in the Tanjore district. That shows there is an increase of litigation. That is another reason why litigation should be taxed. For these reasons, I oppose the amendment."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"If I intervene at all at this stage, which indeed I had not the least intention to do, I do so merely because the honourable member from Chittoor, my friend, Mr. Muniswami Nayudu, has expressed his opinion that he would not oppose this amendment on a contingent condition, viz., if the Government were willing to allot the necessary money for the grant of increased salary to the village officials, in which case he said he would give his support whole-heartedly to this and the following measure. It is necessary for me to repeat that it was on account of the great desire which the Government had to grant increased salary to village officials that they put forward before this House two definite measures whereby they were confident they could realize enough money for the purpose of doing justice to the demands of these officers. But the House turned down both these measures. And I assume that when they took that deliberate action they were perhaps cognizant of the consequences which would inevitably have to follow on account of the financial position of this province which had been laid bare

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[Mr. Muhammad Habib-ul-lah Sahib] [13th March 1922

Clause 1—*cont.*

before them prior to their action in this matter. Let me emphasise, Sir, that the Government have never declined the reasonable requests of the village officers or any reasonable demands they had until now put forward. They would themselves have considered this question had their financial condition permitted. The financial condition is so depressing that to think of mounting up the deficit by another 33·40 lakhs which is essential for the purpose of meeting the demands of officials, for the purpose of giving increase in their salaries is, to my mind, somewhat of an unthinkable idea.

"But, however, Sir, I, to whom a personal appeal has been made by my honourable friend, Mr. Muniswami Nayudu, will be quite willing to bring forward a supplementary demand before this House for such amount as may be considered necessary to pay these village officers the extra sum, if, Sir, with your permission, I could lay it before the House and if the House would unanimously vote in favour of that amount. It should not, however, be forgotten that the consequence will be that we shall be raising our deficit by a sum which is represented by that additional expenditure. And that again will be subject to this condition, that the Government of India must be prepared to lend us not only the sum which represents our present deficit, but also the added sum on account of the increase in the pay of the village officers. If the Government of India would be willing to advance that money, if the House would be willing to authorize me to incur that expenditure, and if you, Sir, would allow me to bring up that additional allotment later, I should indeed be glad to do so.

12 noon.

"Just in this connexion, I may say that this Bill which we are now considering and the next one which will also be taken up this day are for the purpose of securing as much money as it is possible for us to secure with a view to the reduction of the already existing deficit; but if any reductions are made in the proceeds of any of these two Bills, to that extent our deficit will have to be raised. Consequently if the existing deficit is again raised by any action of the Legislative Council by a reduction of the fees that are proposed, that will add another item to the extra amount that may have to be paid to the village officers. So, if the statements which I have now made will satisfy the House that the Government still possess the heart to help the village officers and that their claims have not been lost sight of absolutely in spite of the rejection of the two cess Bills, and if we succeed in securing the necessary money in the shape of loan from the Government of India, we shall do our level best to pay out of it the amount required for meeting the extra expenditure in connexion with the increase of pay of these village officers. But, of course, we shall make it sufficiently clear to the Government of India that the Legislative Council in voting for an additional allotment of 33·40 lakhs, or whatever it may come to, have taken the sole responsibility of raising the deficit and applying for a loan in respect of the extra deficit."

Mr. T. C. Srinivasa Ayyangar:—"Sir, there is something to be said both for and against the motion now before the Council. The present Bill itself is necessitated by the huge deficit which is sought to be covered. It is not intended by this Bill to redress the inequalities in the imposition of the court fee which undoubtedly the existing Act presents, regard being had to the time and attention and the worry which are caused to the courts by the suits. It is not the money suits that take the time of the courts or demand the attention of the judges as the title suits. They are a class of suits

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13th March 1922] [Mr. T. C. Srinivasa Ayyangar]

Clause 1—*cont.*

where only fixed fees are levied irrespective of the real money value or the importance of the claim made by the parties, and they occupy invariably a long time in the trial. The inequality in the Act is patent when you find it demands a court fee on the *ad valorem* rate in suits or promissory notes, bonds, etc., which are hardly contested and which can be disposed of in a few minutes. The court fee paid in such suits is abnormally more than the court fee which is levied in some of the title suits and also in another class of suits, for example, where injunctions are prayed for, in which parties are entitled to value it as they like, say, at Rs 100 paying 7½ rupees court fee and which occupy the time of the courts for days and sometimes weeks. Therefore the Act itself deserves to be revised in many particulars, so that there may be an equitable redistribution in the matter of the court fee. The revision of the Act is an absolute and imperative necessity. But the Bill now before the Council, as has been repeatedly said, is occasioned by the necessity for money. But this necessity may not last for ever. Even though we cannot reasonably fix a term of one year or two years for the operation of this Bill when it becomes law there is something to be said in favour of the view that the Bill, as it is, when it becomes law shall have operation only for some time till our finances improve. So if the Government cannot now say with any certainty at what time they may hope for a change for the better in the finances of this Presidency, they may at least give us an understanding that as soon as the finances improve and they are in a position to go back upon some of the present financial legislation occasioned by necessity, they will undertake a revision of this Court-Fees Act, so as to work out a proper and an equitable distribution of the court Fees in respect of the various classes of suits. As it is, both in the existing Act as well as in the Bill that is proposed, practically simpler suits, simpler in the sense that they occupy less time and attention of the court than other suits and do not cause much strain, are taxed very heavily. Therefore, if we consider all these things, it would be very advisable that the Government should give an undertaking that as soon as the finances improve they will revise the law relating to court fees. That will be quite satisfactory."

The Hon'ble Sir LIONEL DAVIDSON :—" I move that the question be now put."

The motion for the closure was declared carried.

On the motion of Mr. O. Tanikachala Chettiyar a poll was taken with the following result :—

Ayes.

1. The Hon'ble Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-lah Sahib.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, Mr. P. Ramarayaningar.
6. ,, Rai Bahadur K. Venkata Reddi Nayudu.
7. ,, ,, Rao Bahadur A. P. Patro.
8. Mr. C. P. Ramaswami Ayyar.
9. Mr. T. E Moir.
10. Mr. F. J. Richards.
11. Mr. R. Littlehailes.
12. Mr. E. Periyanayagam.
13. Mr. R. K. Shanmukham Chettiyar.
14. Mr. A. Ramaswami Mudaliyar.
15. Mr. K. Adinarayana Reddi.
16. Mr. R. Appaswami Nayudu.
17. Rao Bahadur V. Appaswami Vandayar.
18. Mr. S. T. Shanmukham Pillai.
19. Mr. V. Pakkiriswami Pillai.
20. Mr. P. T. Rajan.
21. Mr. S. Somasundaram Pillai.
22. Mr. P. Subbarayan.
23. Mr. T. C. Tangavelu Pillai.
24. Mr. V. C. Vellingiri Goundar.
25. Rao Bahadur C. Venkata Ranga Reddi.
26. Mr. S. Muttumanicka Achari.
27. Rai Bahadur T. M. Narasimhacharlu.
28. Dr. C. B. Rama Rao.

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Clause 1—*cont.*

Ayes—cont.

29. Mr. A. Ranganatha Mudaliyar.
30. Mr. T. Sivasankaram Pillai.
31. Mr. T. C. Srinivasa Ayyangar.
32. Mr. M. Suryanarayana.
33. Mr. M. Ratnaswami.
34. Mr. G. Vandanam.
35. Mr. A. E. Rencontre.

Noes.

1. Mr. C. Ramalinga Reddi.
2. Mr. O. Tanikachala Chettiyar.
3. Mr. W. Vijayaraghava Mudaliyar.
4. Mr. A. T. Muttukumaraswami Chettiyar.
5. Mr. M. Narayanaswami Reddi.

The motion was carried, 35 having voted *for* and 5 *against*.

The main question was then put to the House, namely, the motion of Mr. P. Venkatasubba Rao, to *insert* in sub-clause (*a*) the word 'Temporary' before the word 'Amendment' in clause 1 of the Bill.

The motion was declared lost.

A poll was taken with the following result:—

Ayes.

1. Rao Sahib S. Ellappa Chettiyar.
2. Mr. C. V. Venkataramana Ayyangar.
3. Rai Bahadur T. M. Narasimhacharlu.
4. Rao Bahadur C. V. S. Narasimha Raju.
5. Mr. K. V. Ramachari.
6. Mr. A. Ranganatha Mudaliyar.
7. Mr. M. Suryanarayana.
8. Mr. T. Arumainatha Pillai.
9. Mr. N. A. V. Somasundaram Pillai.
10. Mr. T. C. Tangavelu Pillai
11. Mr. V. C. Vellingiri Goundar.
12. Mr. P. Venkatasubba Rao.
13. Mr. Saiyid Muhammad Padsha Sahib Bahadur.
14. Sir M. C. T. Muttayya Chettiyar.

Noes.

1. The Hon'ble Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-lah Sahib.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, Mr. P. Ramarayaningar.
6. ,, Rai Bahadur K. Venkata Reddi Nayudu.
7. ,, Rao Bahadur A. P. Patro.
8. Mr. C. P. Ramaswami Ayyar.
9. Mr. T. E. Moir.
10. Mr. F. J. Richards.
11. Mr. Littlehailes.
12. Mr. E. Periyanayagam.
13. Mr. R. K. Shanmukham Chettiyar.
14. Mr. A. Ramaswami Mudaliyar.
15. Mr. K. Adinarayana Reddi.
16. Mr. R. Appaswami Nayudu.
17. Rao Bahadur V. Appaswami Vandayar.
18. Mr. B. P. Devarajulu Nayudu.
19. Mr. S. T. Shanmukham Pillai.
20. Mr. T. A. Ramalingam Chettiyar.
21. Mr. O. Tanikachala Chettiyar.
22. Mr. W. Vijayaraghava Mudaliyar.
23. Mr. B. Muniswami Nayudu.
24. Mr. M. Narayanaswami Reddi.
25. Mr. V. Pakkiriswami Pillai.
26. Mr. P. T. Rajan.
27. Mr. W. P. A. Saundara Pandia Nadar.
28. Mr. S. Somasundaram Pillai.
29. Mr. P. Subbarayan.
30. Rao Bahadur G. Venkata Ranga Reddi.
31. Diwan Bahadur M. Krishnan Nayar.
32. Dr. C. B. Rama Rao.
33. Mr. T. Sivasankaram Pillai.
34. Mr. T. C. Srinivasa Ayyangar.
35. Rao Sahib E. C. M. Mascarenhas.
36. Mr. M. Ratnaswami.
37. Saiyid Diwan Abdul Razzaq Sahib.
38. Mr. R. T. Kesavulu Pillai.
39. Mr. A. E. Rencontre.

The motion was lost, 14 having voted *for* and 39 *against*.

Amendments 2 and 3.

The Hon'ble the PRESIDENT:—"The next amendment stands in the name of Mr. P. Venkatasubba Rao, namely,—

'2. *In sub-clause (b) omit the full stop and add the following*:—"*and shall remain in force till* 31*st March* 1923."'

"This motion will be out of order, because the House has just decided that the Bill shall not be a temporary measure.

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13th March 1922] [The President]

Clause 1—*cont.*

"A similar remark will apply to the amendment proposed by Mr. Siva Rao, namely—

"3. *Add the following as sub-clause* (c) :—"(c) *This Act shall remain in force till April* 1924."'

Clause 1 of the Bill was then put to the House and passed and added to the Bill.

CLAUSE 2.

Amendment 4.

12-15 p.m. The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"Mr. President, I move—

"4. *In sub-clause* (2) *insert the words "unless there is anything repugnant in the subject or context" after the words "the principal Act" and before the words "Memorandum of Appeal."*'

"This is merely a drafting amendment, for I find on examination of the sections that in one or two places the words 'Memorandum of Appeal' may not include cross objections. It is for the purpose of guarding against that, that I move this amendment."

The amendment was put and carried.

Amendment 5.

The following amendment standing in the name of Mr. T. Arumainatha Pillai was ruled out by the Hon'ble the President :—

'5. *Add the following as sub-clause* (3) :—"(3) *This Act shall remain in force till* 31*st March* 1923."'

Clause 2 as amended was then passed and added to the Bill.

CLAUSE 3.

Clause 3 was passed and added to the Bill.

CLAUSE 4.

Amendment 6.

Mr. T. ARUMAINATHA PILLAI :—"I beg to move the following amendment :—

"6. *In line* 26 *after the words "Code of Civil Procedure*, 1908" *add the following* :—"*or suits by trustees of public charitable or religious endowments against co-trustees or others in respect of the trusts or endowments of the institutions or to establish the right of trusteeship.*"'

"My idea in moving this amendment is this: So far as the present clause 4 is concerned, it exempts suits under section 14 of the Religious Endowments Act, 1863, and suits under section 91 or 92 of the Code of Civil Procedure, 1908. Section 14 applies only to suits instituted by worshippers or any other person interested in the public or charitable trusts for any mismanagement of the trust by the trustees or managers or superintendents and so on. Section 91 of the Civil Procedure Code refers to public nuisance and section 92 refersto scheme suits. But, Sir, there are certain classes of suits which are connected with trust properties and which would not come under any one of these sections. For instance, supposing a trustee has been dismissed by a committee and would not relinquish possession of the trust property, temple property or other endowment properties to the other trustees, when there is no scheme suit a suit has to be filed which would not go under

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[Mr. T. Arumainatha Pillai] [13th March 1922

Clause 4—*cont.*

section 92 of the Civil Procedure Code as recently decided by the Madras High Court. And then, Sir, if the trustee has got to file a suit he has got to pay a stamp duty upon all the properties of the temple including the temple itself, the *Vahanams*, the Gods and all the lands. That would be the difficulty in which the trustee will be placed. And there is a sort of variation in the decisions also as to whether a trustee who wants to claim possession from a dismissed trustee or file a suit for his declaration as a trustee or for an injunction against the other man not to interfere with the possession of the property has to file a suit for possession. In one case in 33 Madras it was decided that such a suit would not lie, unless the trustee sues for possession of the property and asks for such possession as he can get. In a later decision in 36 Madras, it has been held that it may not be necessary to file a suit for possession at all.

"On the face of all these contradictory decisions, it is necessary that some sort of stability ought to be given to this sort of suits. Else we will be putting a premium upon dishonest trustees and forcing the rightful trustee to go to a court and pay a heavy stamp duty. Therefore, it is in the interests of charitable institutions and temples that I move this amendment."

Mr. N. A. V. SOMASUNDARAM PILLAI:—"I beg to second this amendment. The same reasons which induced the Hon'ble the Law Member to exempt suits under sections 91 and 92 of the Code of Civil Procedure apply also to the suits mentioned in this amendment. Suits by trustees of public charitable or religious endowments against co-trustees or others in respect of trust endowments would be for the right of trusteeship. If this amendment is not made, the result will be this: that when a trustee is removed by the committee and when he would not hand over possession of the property, then the trustee who is newly appointed has to file a suit, and the question is raised whether he is a trustee properly appointed or not, whether he is entitled to the possession of the trust properties, temples and other things. Then the question arises as to what is the amount of court fee that has to be paid. In case it is to be paid upon all the properties belonging to the temple, including the temple buildings themselves, then the amount of court fees to be paid becomes an enormous one and even when such court fees are paid the result is that such fees have to be debited to the temple funds; for, the trustee, who, though dismissed or otherwise removed from the temple management, refuses to hand over the property, is found to be a person who is next to insolvency. Therefore it is difficult to recover the amount paid for court fees from the defendant, and the result would be the new trustee who has gone for this suit cannot be held personally responsible for this amount and the temple fund itself will have to bear the cost. The amount of court fees prescribed to suits for relief under section 14 of the Religious Endowments Act, 1863, or section 91 or 92 of the Civil Procedure Code as will be found in Schedule 2, Article 17, clause (iii), is a fixed fee of Rs. 50. So, with regard to cases other than scheme suits also, fixed fees should be prescribed instead of leaving the matter to be fixed by the court according to the value of the property.

"I may also beg leave to mention here that an attempt is being made to codify and amend the Religious Endowments Act and that in the said Bill provision may be made for cases where a trustee removed from office refuses to hand over the property to the new trustee. There is a provision now made therein for making an application to the District court on an

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Clause 4—*cont.*

eight-anna stamp paper for an order for handing over the properties. If what is proposed in the amendment is done, there is an end of all this. If you have the system of fixed fees introduced, there would not be any necessity even to make an application to the district court which will have to pass a summary order. Therefore I would strongly support this amendment."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"Mr. President, with regard to the particular case mentioned, it has my entire sympathy and, as pointed out by my friend Mr. Somasundaram Pillai, it has to be done by amending the Religious Endowments Act and I believe that is one of the proposals made in the revision of that Act. Now, the addition which is sought to be made here is not confined to these suits only, but covers a large number of suits in which there is no justification whatsoever for not charging the usual fee. I have put in these exceptions merely as a precautionary measure so as to give in terms statutory sanction to the construction adopted by courts not without difference of opinion. It was not intended to enlarge the scope of the judicial decisions settling the court fees payable upon the class of suits enumerated under exceptions. Now, the amendment reads thus: 'or suits by trustees of public charitable or religious endowments against co-trustees or others . . .' I will first take co-trustees. The object of fixing a smaller or fixed fee is that in the class of suits contemplated by section 14 of the Religious Endowments Act or sections 91 or 92 of the Civil Procedure Code in what are really public suits filed by persons who are generally interested in public charities, but are not the managers or trustees thereof, or as one of the public interested for the law abating a public nuisance, it is not the plaintiff alone but he along with the general public benefits by these suits. In the class of cases now wanted to be introduced by way of exception we have a legal person in whom the property is vested, who is in possession of the property and who is bound to protect the interest of the charity he has under his control. In all these cases there is no reason whatsoever as to why the legal entity should not pay like any other private person. I will just give an illustration. A trustee is in possession of charity property. A stranger trespasses upon a portion of that property. The former brings a suit to eject him. Why should he be entitled to pay a lesser fee than any other ordinary person who is fighting a trespasser? The object of relieving the particular class of cases which I have excepted from the obligation to pay a large *ad valorm* fee is to enable a person in whom the property is not vested as the legal owner or who is not in custody as manager or superintendent to protect the interests of the charity. In all these cases, a dissatisfied person interested in a particular charity comes in for the purpose of rectifying the negligent conduct of the person who is bound to look after the charity as its trustee or manager as the case may be. Therefore, I do not think there is any justification whatsoever for extending the scope of the exception.

"Again, Sir, with regard to suits to establish 'the right of trusteeship,' i.e., the plaintiff's personal right of trusteeship, why should he not pay fees on the value of the subject matter if it is capable of valuation? Except in one case where a trustee is dismissed, say by the Devastanam Committee and another trustee is appointed and the dismissed trustee either denies the right of the Devastanam Committee to dismiss him or denies the legality or regularity of the proceedings of the committee and contends that the person

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Clause 4—*cont.*

appointed in his stead is not entitled to the custody of the endowment, there is really no hardship. With regard to this particular case it must be provided for in the revision of the Religious Endowments Act. The provision may be that on an application to the court, with the order of dismissal from the committee, the dismissed trustee who continues in possession shall be ejected. There will then be no difficulty.

"I want to draw the attention of the House to one other matter only. My honourable friend Mr. Arumainatha Pillai has made no provision for charging any fees with regard to suits, which he wants excepted. There is no amendment in Schedules I or II; the result will be that the suits coming under his category will have to pay no fee at all. It is not a mere formal or a consequential amendment. I therefore submit that this motion ought not to be carried. I hope he will withdraw it."

Mr. T. ARUMAINATHA PILLAI:—"Sir, so far as the Hon'ble the Law Member is concerned, he has not really replied to the questions raised in this amendment. He has practically admitted the deficiency of his exception."

12-30 p.m.

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*interrupting*):—"That was only with regard to one kind of suits, Sir, and there is absolutely no meaning in excepting all other suits on that ground."

Mr. T. ARUMAINATHA PILLAI (*continuing*):—"So far as the Hon'ble the Law Member is concerned, he has practically admitted the justness of the claim in respect of one set of suits that was referred to by my honourable friend Mr. Somasundaram Pillai. So far as the other sets of suits are concerned, he went on saying that in regard to trustees one does not see any reason why a trustee should not, if he wants to file a suit against his co-trustees, be asked to pay the regular stamp duty because the other persons would legally be the persons who would be entitled to look after the properties. I would put this question to the honourable member. If there are three trustees, and if two trustees eject the other trustees and the other man is obliged to file a suit, surely the honourable member would not contend that the property is vested only in two of them but not in the third. All the properties are vested in all the trustees. Every trustee is a man in whom the property is legally vested even according to the Hon'ble the Law Member. And this man goes to the Court and says, 'I am one of the legally established trustees and I have got as much right as the other persons and therefore I am entitled to file a suit.' Is the Hon'ble the Law Member right in saying 'So far as you are concerned, go and file a suit, but pay the *ad valorem* fee upon the valuation of the property'? I would therefore submit that so far as that class of cases is concerned the Hon'ble the Law Member has not really met the difficulty. He only took the objection referred to by me just now. Again, the Hon'ble the Law Member has put in a proposition, namely, supposing that a stranger trespassed into one portion of trust properties, into a land, say, an acre in extent, there would be no reason why the owner (trustee) should be excepted from paying the full court fees. Suppose all the tenants join together and refuse to pay rent; some strangers get into the temple; or that a body of persons get into possession of the trust properties of the temple including *vahanams* and oranaments, etc. Even in such a case the Hon'ble the Law Member says: 'They are trespassers. You need

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13th March 1922] [Mr. T. Arumainatha Pillai]

Clause 4—*cont.*

not go to court when they have got possession. But when you do, you must pay the regular stamp duty.' I therefore do not think that the honourable member has really understood the scope of my amendment.

"The Hon'ble the Law Member really made a point against me when he said that having put forward this amendment, I ought to have brought in an amendment to the schedule wherein the table of fixed fees is put in with increased fee as well. If this amendment is accepted—on the Hon'ble the Law Member's own admission there are certain classes of suits which clause 4 would not really cover—I say there would be no difficulty at all in adding that amendment too. I think it would be only a verbal amendment to Schedule II where the table of fixed fees is put in."

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*interrupting*) :—"It will not be a verbal amendment, Sir. We have got to fix what that fee is to be. It is not a verbal or consequential amendment, and so far as I know, the fee may be fixed at Rs. 500 or Re. 1."

Mr. T. ARUMAINATHA PILLAI (*continuing*) :—"I may only tell the honourable member that he has raised the fee for suits for relief under section 14 of the Religious Endowments Act, 1863, or under section 91 or section 92 of the Code of Civil Procedure, 1908, to Rs. 50. So far as this thing is concerned, he has only to add the words mentioned in my amendment as a clause in page 15 of Schedule II."

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*interrupting*) :—"I do not know whether Mr. Arumainatha Pillai wants Rs. 50 as the Court fee to be fixed for the class of suits he mentions, or Rs. 500 or Re. 1."

Mr. T. ARUMAINATHA PILLAI (*continuing*) :—"I have admitted the justness of the criticism of the Hon'ble the Law Member so far as that portion of his criticism is concerned. I am only telling him that it is only a technical criticism and nothing more. I would only suggest that a small amendment may be made in item 17 of Schedule II which can be easily done. I submit that the Hon'ble the Law Member has not really met my argument, and I would leave it to the House to decide whether my amendment should be or should not be accepted."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I have only one word to say, Sir. The total number of suits filed of the kind referred to is about 67. I only want the House to know this fact. If the House wants to make further amendments for this purpose, it can do so."

The amendment (No. 6) was put to the House and lost.

Amendment 7.

The following amendment standing in the name of Mr. P. Siva Rao was not moved, the honourable member not being in his place, and it was therefore deemed to have been withdrawn :—

"7. *Add the following sub-clause :—*

'*In section 7 (iv) of the principal Act omit sub-clause (b) and the following words shall be added as sub-clause (f) :—*

"*In suits to enforce the right to share in any property on the ground that it is joint family property, according to the value of the separated share claimed therein.*" ' "

Clause 4 was then put to the House and passed and added to the Bill.

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[13th March 1922

CLAUSE 5.

Clause 5 was then put to the House and passed and added to the Bill.

NEW CLAUSE AFTER CLAUSE 5.

Amendment 8.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Mr. President, the amendment I beg to move is this—

'8. *Insert the following as a new clause after clause* 5 :—

" *The following shall be added at the end of the first paragraph of sub-section* 7 (*iv*) *of the principal Act* :—

' *Provided that in suit scoming under sub-clauses* (*c*) *and* (*d*), *in cases where the relief sought is with reference to any land, and those coming under sub-clause* (*e*), *such valuation shall not be less than half the value of the land calculated according to the next succeeding clause.*' " '

" Sir, this amendment proposes to remedy an anomaly in the present Act. Mr. T. C. Srinivasa Ayyangar was saying just a few minutes back that the Act as it stands was doing a lot of injustice. The suits that really take up the time of the courts are taxed very lightly, and these are suits for declaration and injunction. It is in these suits that the question of title really arises, and large questions of title come up for decision, whereas the fee that is to be paid on money suits which do not take up much time of the courts is very heavy. Mr. T. C. Srinivasa Ayyangar said that the Act ought to be amended so as to make the principle of taxation, as applied to these suits, equitable. This amendment, which I have given notice of, is one which tends in a small way to rectify the anomaly and put matters on an equitable basis. From the original Bill circulated, it would appear that the Government itself was aware of this position. From the report of the Select Committee it would appear that the said Committee found difficulty in framing a satisfactory rule for fixing the valuation of suits mentioned in clause IV of section 7, and so they thought that the best thing would be to leave them alone. I think it would result in inequality if no remedy is to be found, and I have accordingly tabled this amendment. My amendment, and the next one given notice of by Mr. Somasundaram Pillai, go to a large extent in meeting the difficulty mentioned by the Select Committee. Suits in connexion with rights on land which mainly occupy the time of the courts are generally brought in not in a direct way of a suit for possession, but mostly in an indirect way as suits for declaration or injunction. A person who wants possession of land does not say so in his suit, but generally asks for a declaration of title and thus avoids paying *ad valorem* fee. The kind of suits that I refer to are mentioned in sub-clauses (*c*) and (*d*) of clause (iv) of section 7. The Select Committee found difficulty because clause (iv) of section 7 mentions suits for declaration and injunction when consequential relief is claimed not only with reference to land but with reference to other matters as well. In my amendment I have restricted myself to cases where the relief sought is with reference to any land and those coming under sub-clause (*e*). If my amendment is accepted, it will be easy to value the suits. It would be hard in some cases to value all such suits for declaration, etc., on the basis of suits for possesssion, and it is necessary to avoid that hardship, and, it may be, in some cases they are suits really for injunction. But suits for injunction are mostly camouflaged suits for possession or title, and I

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13th March 1922] [Mr. T. A. Ramalinga Chettiyar]

New clause after clause 5—*cont.*

submit that such suits must be valued on the basis of title or possession of land, that is, at not less than half the value of the land. So, Sir, the difficulty mentioned by the Select Committee may be obviated by the amendment I have proposed. I think there is no difficulty in accepting this, and I hope that the Hon'ble the Law Member will accept my amendment."

Mr. T. C. SRINIVASA AYYANGAR :—"I second this amendment, Sir. There is a great deal of justice in the amendment which my honourable friend Mr. Ramalinga Chettiyar has just moved. The object of the Government is to get money, and this amendment will enable the Government to get money with justice. As I submitted in connexion with another amendment, the best part of the time of the courts is taken up in trying suits of this description, and as my honourable friend Mr. Ramalinga Chettiyar stated, certain suits relating to land are brought in the indirect method of praying only for a declaration and sometimes with an added prayer for injunction with a view to escaping full court fee. According to the law as it stands, they can value the suits falling within some of the sub-clauses of section 7, as they like, and pay a ridiculously low court fee therefor, and occupy the time of the courts to any extent. I hope the amendment will commend itself to the Council."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I accept, Sir, the principle of this amendment, and I myself wanted to provide something like it. The two honourable members who have spoken have explained the necessity for adequate valuation of this class of suits. I would only ask, merely as a verbal amendment, to substitute the words 'immovable property' for the word 'land' wherever the latter word occurs, because I do not see any reason why we should except houses and gardens. May I have your permission, Sir, to move this amendment?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I second the amendment."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"I accept the amendment, Sir."

The House passed the amendment and resumed discussion of the proposed new clause as amended.

Rai Bahadur T. M. NARASIMHACHARLU :—"Sir, I have to oppose this amendment as amended. The object of this is to enhance the present duty on court fees. I submit that the Council should not out-herod Herod. This is not the only case in which the inequitable distribution with reference to court fees exists. There are several other clauses where such inequality exists. If a comprehensive revision is undertaken so that court fees may be levied according to the time involved, according to the value involved and according to trouble that has been taken by the Court, I would quite understand that. But I quite fail to see why when the Government themselves did not propose to revise.——"

12-45 p.m.

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*interrupting*) :—"Sir, the Government did propose and there was a clause practically to this effect in my original Bill."

Rai Bahadur T. M. NARASIMHACHARLU (*continuing*) :—"Yes, Sir. But when the Select Committee did not wish to commit itself to such a large

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question in a purely fiscal measure like this, I do not see any reason why we should go beyond the Select Committee and commit ourselves to an important class of suits so as to levy greater fees out of them. I submit it is quite objectionable that we should deal only with two or three classes of suits, leaving out the rest. There is yet another thing in this. I do not understand the word 'Clause'. Is it the clause next following that has been omitted? What is the meaning of that? This is the result of such a hasty measure. My third objection is: I think that the Select Committee did not offer to commit itself to a consideration of the revision on the basis of equity in the distribution of court fees; and if we should do this, I think, Sir, this requires a publication of the Bill itself in order that the public may have the benefit of knowing what is going on in the Council, and that they may have an opportunity of laying before the Council or the Government, the objectionable feature of this clause. The Select Committee said that as the Bill did not undergo any substantial alteration they did not think there was any necessity for republication. This, Sir, is reviving a very important alteration which has been omitted by the Select Committee. Consequently, I think, Sir, that a republication of the Bill ought to be undertaken now."

Mr. N. A. V. SOMASUNDARAM PILLAI:—"In the original Bill there was this provision—Section 7, clause IV (*a*). 'In suits for movable property where the subject has no market value, as, for instance, in the case of documents relating to title'. The original proposal was to levy the fees according to the value of the subject-matter and that was more reasonable. When the matter went before the Select Committee they thought this valuation was very difficult and they say:

> 'We think that several suits of the classes referred to in clause 7 of the Bill are difficult of valuation and that the amendment proposed in clause 7 of the Bill would lead to unnecessary contest and waste of time in courts. We therefore omitted clause 7 of the Bill.'

"There is really no difficulty at all when a discretion is given to the plaintiff to value the suit according to his sweet will and pleasure. But this amendment imposes a restriction upon his will by laying down that the amount should not be less than half the value of the land. Therefore there is little or no difficulty whatever. If it was the original thing, even for a suit on a stamp of six annas, the whole time of the court would have to be wasted in addition to the annoyance caused to the party and the witnesses. In the mufassal, a large majority of the suits are really for petty matters. The property may be worth a lakh of rupees and the plaintiff may only have a small claim against it, and he may choose to pay a court fee on Rs. 50 or Rs. 100. In such a case it is really a waste of the time of the court and public money that a restriction like this should be enacted by which the plaintiff's discretion would be restricted. With these words, Mr. President, I support the amendment as amended. Of course, instead of 'land' it should be 'immovable property'."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I am very sorry that I have to oppose the motion of my friend Mr. Ramalinga Chettiyar. I confess that I am surprised that the Hon'ble the Law Member has seen fit to accept the amendment. Practically this is reintroducing a provision which was deliberately omitted and that unanimously by the

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members of the Select Committee, including the Law Member. What the Select Committee say about this provision is this:

'We think that several suits of the classes referred in clause 7 of the Bill are difficult of valuation and that the amndment proposed in clause 7 of the Bill would lead to unnecessary contest and waste of time in courts. When this is omitted, clause 6 of the Bill becomes unnecessary. It is also therefore omitted.'

"Clause 6 practically is sought to be reintroduced by this amendment. So that, after having deliberately omitted clause 6 in the Select Committee, this amendment is moved by which the omitted clause is practically reintroduced; and the Hon'ble the Law Member coolly accepts it., the reason being that it was in the original Bill. The only argument advanced in support of this particular amendment by my friends Mr. Ramalinga Chettiyar and Mr. Srinivasa Ayyangar is that it is sought to remove the inequality that exists in the Court Fees Act. My friend the Hon'ble the Law Member has deliberately stated in the Objects and Reasons of this Bill that this is not intended to reconcile the conflicting rulings of the High Court, and that its only object is to raise money. I see no reason for this change of opinion. Of course, there are occasions when one's opinion has to be changed; but there should be a limit to it. There is absolutely no reason why the Council should go beyond the recommendations of the Select Committee. I must therefore oppose the amendment."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I am also opposing this amendment, Sir. The Hon'ble the Law Member said he was practically introducing the Bill as it was introduced. I am surprised to find that the Hon'ble Mr. Krishnan Nayar appears to agree to the view. My view is that the present clause is much worse than the Bill as it originally stood. I do not know whether my friend Mr. Ramalingam Chettiyar has gone into the various difficulties in which suits for injunction would be placed. So far as easements are concerned, they will also be with reference to the immovable property. If I want a right of way or ventilation from a particular window, they will also be with reference to a land or house. The result would be practically to put an end to such suits, as for injunction, for easement, etc. I would therefore submit that the amendment of the kind proposed is more comprehensive and repressive than the original Bill itself. And I agree with Mr. Narasimhacharlu when he says that it needs republication so that the public as well as ourselves would have an opportunity of considering the measure well. If it is passed, I would submit that it only leads to complications, and it will be a source of annoyance to litigants. I would ask if this is only a measure to raise money, if that could be done by making the whole thing as complicated as possible. It may perhaps be well for lawyers in Madras—and many of them may be generally lawyers for millionaires—but the lawyers in the mufassal conduct only small suits brought by poor clients. I am therefore unable to support the amendment."

Mr. T. SIVASANKARAM PILLAI:—"Sir, I think I have to oppose this amendment also. The provision in the original Act is that the plaintiff shall be at liberty to value the relief claimed just as he pleases. Now, I do not think matters will be improved by putting in this amendment there. Let us take a concrete case. Suppose there is the right of discharging water from a certain spout of a neighbouring house. The area over which the water proceeding from the spout will spread will be

1 p.m.

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[Mr. T. Sivasankaram Pillai] [13th March 1922

New clause after clause 5—*cont.*

a circle of a certain diameter. How can you value this piece of land? It may be that the plaintiff values it at Rs. 5. How can the court correct the valuation, or how can the adversary object? Whether the court takes objection or the adversary objects to it, it will have to be settled arbitrarily. So, considering all these things, the original Act was worded in the manner in which it is. Then, Sir, in a big zemindari which is worth, say, Rs. 10 crores there is a right of way. There is some trespasser who wants to trespass on the land, and the zamindar wants to put in a suit to obtain an injunction. Would it be just to require the zamindar to pay court fees on Rs. 5 crores? The man, having been in possession of the land, has a right to be maintained in it. If such a heavy penalty is to be paid if he wants to get redress, he would probably get 500 or 600 budmashes collected just to create a disturbance and that will lead to rioting. Is that consequence desirable from accepting an amendment of this kind? So I would urge that this may be rejected by the Council."

Mr. T. ARUMAINATHA PILLAI:—"I am sorry to see that the Hon'ble the Law Member has accepted the amendment proposed. My honourable friend Mr. C. V. Venkataramana Ayyangar has cited an instance. I would take the same case also and press it on the attention of the Hon'ble the Law Member and ask him to see whether it would not create a very great injustice on the part of the poor people, leaving apart rich men. Suppose there is a poor man on one side and a rich man on the other who on his own land tries to put up a two-storeyed building obstructing the windows of the poor man's house. If the poor man is to file a suit for injunction for easement that he is entitled to his windows being left intact, what is the valuation proposed in this? It is, 'such valuation shall not be less than half the value of the immovable property calculated according to the next succeeding clause.' Then, Sir, how is it possible for this man to fix any valuation so far as these two or three windows are concerned. It is only deliberately that the Legislature worded the clauses as they are when they passed the Court Fees Act of 1870 and deliberately allowed the plaintiff himself to fix the valuation as he pleased, because they found it impossible for the court to fix any definite valuation upon these things; and you will also find that there are judicial decisions supporting this view. I believe I am correct in saying that so far as Bombay is concerned they have arrived at the decision that it is utterly impossible to ask the plaintiff to fix any definite valuation upon these plaints, and therefore it is far better to leave the valuation to the plaintiff. It will be creating a very great hardship upon the poor people just for the sake of what is contained in clause (*c*) to obtain a declaratory order or in clause (*d*) to obtain an injunction. There are very few suits which come under clause (*c*). In order to get as much money as possible, I would urge strongly upon the Hon'ble the Law Member, lawyer as he is, not to jeopardise the rights of the poor people. Therefore, I am bound to oppose the amendment in spite of the acceptance of it by the Hon'ble the Law Member."

Mr. O. TANIKACHALA CHETTIYAR:—"Sir, I could appreciate the point raised by my friend Mr. Ramalinga Chettiyar, and it is but right that in cases covered by sub-clause (*c*) of clause 4 of section 7 of the Court Fees Act that those who seek such relief on the basis of the real value of the property,

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13th March 1922] [Mr. O. Tanikachala Chettiyar]

New clause after clause 5—*cont.*

and not upon the nominal value, should be given liberty to put in their own valuation. At the same time, I do feel that in the case of sub-clause (*d*) to obtain an injunction, to require the party to pay a fee on half the value of the property is a very great hardship. For instance, a person whose house is worth Rs. 20,000 may have a window blocked up by a neighbour, and for asserting his right and obtaining an injunction in respect thereof, it would be a hardship if half the property should be the basis for the payment of stamps while, at the same time. all other suits which come under clause (iii) of section 7, where consequential relief is asked for are settled by questions of title which are gone into. This matter was considered by the Select Committee, and it was not that it was completely dropped. The Hon'ble the Law Member said that probably something more elaborate would have to be done and another Act brought in for the purpose of raising revenue. In fact one of the suggestions made was that in some of these suits which were valued at Rs. 50 or Rs. 100 a sitting fee of Rs. 10 or Rs. 20 might be collected. But, however, inasmuch as the Hon'ble the Law Member has seen proper to accept the amendment proposed by Mr. Ramalinga Chettiyar, I am also in favour of accepting his amendment in so far as it relates to sub-clause (*c*), but not in reference to sub-clause (*d*). But if from Mr. Ramalinga Chettiyar's amendment the words ' and (*d*) ' are deleted, I am sure there will be no difficulty in getting support for this amendment. With your permission, Sir, I intend to move that these words ' and (*d*) ' occurring in the first line of Mr. Ramalinga Chettiyar's amendment, be omitted."

The Hon'ble the PRESIDENT :—" Does anybody object on the score of want of notice to the amendment going forward ? "

Rai Bahadur T. M. NARASIMHACHARLU :—" I object to it, Sir."

The Hon'ble the PRESIDENT :—" I overrule the objection. Does anybody second that amendment ? "

Mr. A. T. Muttukumaraswami Chettiyar seconded the amendment.

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—" I accept the amendment."

Mr. T. C. SRINIVASA AYYANGAR :—" There are three sub-clauses in the amendment orginally proposed by my friend Mr. Ramalinga Chettiyar and that amendment with a slight modification introduced by the Hon'ble the Law Member is before the House. The amendment now proposed to that amendment is to retain sub-clause (*c*) and to delete the reference to sub-clause (*d*). In clause (iv) of section 7 of the Court Fees Act as it now stands, sub-clause (*c*) is ' to obtain a declaratory decree or order, where consequential relief is prayed,' ; sub-clause (*d*) is ' to obtain an injunction ' ; and sub-clause (*e*) is ' for a right to some benefit (not herein otherwise provided for) to arise out of land.' If on account of any difficulty relating to injunction' reference to sub-clause (*d*) is to be deleted, there would be much greater reason to delete all reference to sub-clause (*e*). Because in the order of difficulties, as we proceed from sub-clause (*c*) to (*e*), the difficulty is increased. In the matter of obtaining a declaratory decree with reference to immovable properties, the difficulties may not be very many. But in cases relating to sub-clause (*d*) the difficulties, if they relate to mere incorporeal rights, will be many. But sub-clause (*e*) is something like a residuary clause

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[Mr. T. C. Srinivasa Ayyangar] [13th March 1922

New clause after clause 5—*cont.*

with reference to previous sub-clauses. So, I should like to know from the mover of this amendment, if he desires to omit the reference only to sub-clause (*d*) and to retain the sub-clause (*e*)."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, it only follows as a necessary consequence of the position taken by my honourable friend Mr. Tanikachala Chettiyar that a reference to sub-clause (*e*) should also go out. He has stated that there may be some justification for inserting this provision in the case of suits wherein a declaratory decree is asked for and that in such cases, the valuation may be fixed as suggested in this clause. If, as he suggests in the case of suits for injunction, sub-clause (*d*) should go, one would ask naturally whether suits wherein some benefit arising out of land is asked for are to be placed in a worse position. There is much greater reason for deleting all reference to sub-clause (*e*) than even to sub-clause (*d*). It will be remembered that in the case of benefits arising out of land, while an injunction specifically comes under sub-clause (*d*) all rights which do not affect the value of the property but which involve some relief having a bearing upon land would come under sub-clause (*e*), viz., all benefits arising out of land not provided for elsewhere. Therefore the greatest difficulty exists in applying this rule in the case of sub-clause (*e*). The difficulty will next have to be considered in the case of sub-clause (*d*) So far as he has agreed to the deletion of sub-clause (*d*), I think it is necessary to have all reference to sub-clause (*e*) also deleted. Therefore with your kind permission, Sir, I move this amendment——."

The Hon'ble the PRESIDENT:—"The amendment on hand must be disposed of before any other can be considered."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Therefore, I would submit that unless sub-clause (*e*) is also deleted, there is no meaning in accepting this motion to delete sub-clause (*d*). The whole amendment, I would submit, is objectionable, because it violates the very principle which was unanimously accepted by the Select Committee. They made a reference to it saying at the same time that they did not want a republication of the Bill because there were no material changes made. I am very sorry that my honourable friend Mr. Ramalinga Chettiyar has thought it fit to bring up this amendment and thereby give an opportunity to the Hon'ble the Law Member to make matters really harsher, by altering the word 'land' to 'immovable property', so as to bring suits relating to buildings within its scope. Though the Government were prepared to modify the position originally taken and though they probably paid consideration to some of the objections raised at the opening meeting regarding this, Bill and though my honourable friend Mr. Ramalinga Chettiyar himself raised various objections to the principle of the Bill in so far as it proceeded on lines which are oppressive or harsh to the litigant, that he should have brought up this amendment and thereby enabled the Hon'ble the Law Member to make it harsher than he himself would have thought it fit to make, is really unfortunate. I would therefore oppose the whole amendment if it should go as it is. In any event it is objectionable to have any reference to sub-clause (*e*), in so far as the deletion of sub-clause (*d*) has been raised."

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13th March 1922]

New clause after clause 5—*cont.*

1-15 p.m.

The Hon'ble the PRESIDENT :—" I think it would be good if the House clearly understands what is before it. The honourable member Rao Bahadur T. A. Ramalingam Chettiyar proposed to insert the following as a new clause after clause 5 :—

' The following shall be added at the end of the first paragraph of sub-section 7 (iv) of the principal Act :—

" Provided that in suits coming under sub-clauses (*c*) and (*d*), in cases where the relief sought is with reference to any land, and those coming under sub-clause (*e*), such valuation shall not be less than half the value of the land calculated according to the next succeeding clause" ' .

"In that amendment the Hon'ble the Law Member proposed to substitute ' immovable property ' for ' land ', wherever the word occurred and the proposal was accepted ; so that the House then had before it the following amendment :—

' The following shall be added at the end of the first paragraph of sub-section 7 (iv) of the principal Act :—

" Provided that in suits coming under sub-clauses (*c*) and (*d*), in cases where the relief sought is with reference to any immveable property, and those coming under sub clause (*e*), such valuation shall not be less than half the value of the immovable property calculated according to the next succeeding clause" ' .

" Later, the honourable member Mr. Tanikachala Chettiyar has put forward an amendment to substitute for the words ' sub-clauses (*c*) and (*d*) ' the words ' sub-clause (*c*) '. That is the amendment now before the House."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" Mr. President, if I rise now at all, I rise only to explain my position. Originally I had proposed that all these suits should be valued and all these suits are valued for the purpose of jurisdiction and for the purpose of the fees of the Counsel."

Mr. T. SIVASANKARAM PILLAI (*interrupting*) :—" I take exception to the statement, Sir. The value for the jurisdiction is one and the same so far as section 7 (iv) is concerned, and it is not correct, therefore, to say that for the purpose of jurisdiction they are valued separately."

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*continuing*) :—" I did not say it. They *are* valued for the purpose of jurisdiction ; that is, the party is able to value them. It is not impossible to value them. The value as stated by the party is the value for the purpose of court fees. So it is not correct to say that it is impossible to value them. It is expected that the High Court will be in a position to frame rules for the purpose of valuing such suits. Then if the suits can be valued why not they be properly valued ?

" Then, Sir, in the Select Committee there was some difficulty felt in making rules for a precise valuation and the clause was omitted. I do not claim, Sir, a monopoly of all intelligence nor do I claim a monopoly for even the Select Committee. The proposal of Mr. Ramalingam Chettiyar did not strike me and no such proposal was placed before the Committee. Mr Ramalingam Chettiyar now gives a standard of valuation which can be accepted without difficulty, and that was why I was in a position to accept it. It is quite possible to put extreme cases, and there may be extreme cases. Supposing for instance there is a dispute against a whole zamindari, somebody sets up a title to it. You ask for a declaration of title or you may ask for an injunction only which again may necessitate the setting of the title. Why should you not pay for it ? We know of cases where valuable forests or hills are in dispute and possession is asserted by both sides. Here the half-fee is too little. Likewise there may be extreme cases where in a large house a small window or a few

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inches of space may be obstructed where a half-fee may be too much. As I said, it is quite possible to put extreme cases, but after all you can have only a rule which would equitably provide for the generality of cases. That is the reason for my accepting the amendment with regard to land. There is no subtle cunning in my substituting 'immovable property' for land as some members appeared to suspect. The word 'immovable property' is ordinarily applicable to land, houses or gardens. In this antiquated Act, the Court Fees Act, we have the expression 'land, gardens and houses'. Why should cases of declaration of title and consequential relief, cases of injunction, with regard to land alone should be protected and not those with regard to houses and gardens. That is why I thought that a comprehensive expression instead of land, an expression which is defined in the General Clauses Act, may be inserted. I submit, Sir, that the original motion of Mr. Ramalingam Chettiyar was quite proper and the fee should be paid. For, as has been pointed out by Mr. T. C. Srinivasa Ayyangar, cases of this sort take even more time than suits for possession and, in almost every case, the question of title arises. I am not able to see why half the value at least should not be insisted upon in such cases."

The Hon'ble Sir LIONEL DAVIDSON:—"I move that the question be now put."

The Hon'ble the PRESIDENT:—"I am afraid I cannot accept that motion just now. I fear there is some amount of confusion which has to be cleared up."

Diwan Bahadur M. KRISHNAN NAYAR:—"If I may say so, Sir, without any disrespect to you, we are all in confusion now, at any rate, many of us are. The amendment as it stands before the House is--

'That the following shall be added at the end of the first paragraph of sub-section 7 (iv) of the principal Act:—

"Provided that in suits coming under sub-clause (*c*) in cases where the relief sought is with reference to any immovable property, and those coming under sub-clause (*e*) such valuation shall not be less than half the value of the immovable property calculated according to the next succeeding clause."'"

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Is it quite accurate, Sir? I thought the amendment now before the House was to *substitute* 'sub-clause (*c*)' *for* 'sub-clauses (*c*) and (*d*)'. The original proposition of Mr. Ramalingam Chettiyar is not before the House."

Diwan Bahadur M. KRISHNAN NAYAR:—"That is exactly the same as the position stated by me. Mr. Tanikachalam Chettiyar's latest amendment was to omit the reference to sub-clause (*d*) so that the proposition under discussion is what I have stated it to be. If you will kindly allow me, Sir, I shall move an amendment which I believe will be acceptable to a very large portion of the House including my friends—Mr. Ramalingam Chettiyar and Mr. Tanikachala Chettiyar."

The Hon'ble the PRESIDENT:—"I think the honourable member cannot move his amendment now as a previous amendment holds the field. But I have no objection to his stating what his intentions are in regard to a contingency which may arise hereafter."

Diwan Bahadur M. KRISHNAN NAYAR:—"My intentions are these. I myself was one of those who objected to the amendment as moved by my honourable friend Mr. Ramalingam Chettiyar. Now a further amendment is

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13th March 1922] [Mr. M. Krishnan Nayar]

New clause after clause 5—*cont.*

moved by Mr. Tanikachala Chettiyar to confine the operation of this section to sub-clauses (*c*) and (*e*). My intention is to limit it to sub-clause (*c*) and to take away sub-clause (*e*) also from this amendment. My intention, in other words, is to restrict the operation of the clause to sub-clause (*c*) of the principal Act and to omit it with reference to both (*d*) and (*e*). As the discussion develops, I may, with your kind permission, beg leave to move the amendment which has arisen out of the discussion that has taken place."

The Hon'ble the PRESIDENT :—"I think it will be convenient to the House to know that the only issue now before it is the deletion of the reference to sub-clause (*d*). If that is disposed of, any honourable Member may move a further amendment if he so wishes."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, in fact, I quite agree with the Hon'ble the Law Member in saying that these cases should also be required to pay the fees and it is also my view that in a few cases it would work a great hardship. Now, I find that the House wants to safeguard even the very small number of suits which may possibly be affected by this amendment. In view of that fact, I agree to the amendment now proposed."

The Hon'ble the PRESIDENT :—"The honourable member has already told us that he has accepted the amendment."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR :—"I now gave my reason for it."

The Hon'ble the PRESIDENT :—"The honourable member cannot speak twice on the same amendment. I will now put the amendment to the House."

Mr. Tanikachala Chettiyar's amendment, that *for* 'sub-clauses (*c*) and (*d*)' the words 'sub-clause (*c*)' be *substituted*, was then put and carried.

The Hon'ble the PRESIDENT :—"The clause as amended will read thus :—

The following shall be added at the end of the first paragraph of sub-section 7 (iv) of the principal Act :—

"Provided that in suits coming under sub-clause (*c*), in cases where the relief sought is with reference to any immovable property, and those coming under sub-clause (*e*), such valuation shall not be less than half the value of the immovable property calculated according to the next succeeding clause."'"

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I already indicated my intention, Sir, to move an amendment asking for the deletion of the words 'and those coming under sub-clause (*e*)' and you were kind enough to tell me, Sir, then that I might move it after the amendment then before us had been disposed of. I now, therefore, move formally that the words 'and those coming under sub-clause (*e*)' be omitted.

"The effect of it is that this new amendment will have operation so far as declaratory suits are concerned and take away all objectionable portions regarding benefits to arise out of land and those included of under sub-clause (*d*). As the matter has already been discussed I need not take the time of the Council by making any elaborate remarks."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I second it, Sir."

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[13th March 1922

New clause after clause 5—*cont.*

Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, I wanted your permission to move an identical amendment, and now that Mr. Krishna Rao has moved this amendment, I believe much of the objection that was raised to the amendment as originally proposed by Mr. Ramalinga Chettiyar will disappear. I do not think there can be any objection to tax the suits that come under sub-clause (*c*) to obtain a declaratory decree or order so that, as it stands now, I think the amendment that is proposed by Mr. Krishna Rao is a very reasonable one, and I am very glad to give my support to it."

1-30 p.m.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" I accept the amendment now moved by Mr. A. S. Krishna Rao also."

The Hon'ble the PRESIDENT :—" I will now put that amendment to the House. The amendment is to omit the words ' and those coming under sub-clause (*e*) '."

The amendment was put and carried.

The Hon'ble the PRESIDENT :—" The motion will now finally stand as follows :—

" *Insert* the following as a new clause after clause 5 :—

" The following shall be added at the end of the first paragraph of sub-section 7 (iv) of the principal Act :—

' Provided that in suits coming under sub-clause (*c*), in cases where the relief sought is with reference to any immovable property, such valuation shall not be less than half the value of the immovable property calculated according to the next succeeding clause.' " ' "

The motion was then put and carried and the new clause inserted after clause 5 and added to the Bill.

CLAUSE 6.

Amendment 9.

Mr. N. A. V. SOMASUNDARAM PILLAI :—" Mr. President, I beg to move the following amendment :—

' 9. *Omit* " (*Omitted*) " *and insert the following* :—

" *In section 7 the following clause shall be added as iv-a* :—

' (*iv-a*) *In a suit—*

for cancellation of a decree or other document according to the amount for which the decree is passed or other document is executed.' " '

" My reason for making this motion is this. In the original Act there is no special provision for court fees to be paid in suits for cancellation of a decree or other document. No doubt it was brought under some other clause of section 7, clause (iv), viz., in suits to obtain a declaratory decree or order, where consequential relief is claimed. In the Bill as originally drafted there was a provision made for this in clause 7 (*c*), viz., (*c*) in a suit for cancellation of a decree or other document, according to the value of the subject matter. When the matter went up before the Select Committee, they said that it was difficult of valuation and therefore it would be better that that provision must be omitted. I, for my part, cannot see any difficulty in valuing suits for cancellation of a decree or other document. So far as decrees are concerned, there is a certain amount for which the decree is passed. With regard to documents, there will be an amount mentioned in the document for which that document was executed. So if suits are brought simply for the cancellation of a decree or other document, there will be no reason why the plaintiff should not be asked to pay court fees on the amount for which the decree is

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Clause 6—*cont.*

passed, or on the amount for which the document is executed. As a matter of fact, we see with regard to some suits in the mufassal as well as in the High Court that immediately after a decree is passed, or after executing a certain document, say for Rs. 10,000 or Rs. 5,000, the plaintiff comes forward with a suit in the Munsif's Court paying a court fee of about As. 6 or As. 12, saying that the document was taken by him without any consideration, or that the document is not valid and therefore it ought to be cancelled. As the Court Fees Act now stands, there is no separate provision for valuing suits of such a nature. Therefore the plaintiff is allowed to file a suit under section 7, sub-clause iv (*c*). Now, when the question is taken up with regard to the court fees on such suits and when there was an attempt in the original Bill to have this also included when it was said that it was difficult to value these suits according to the value of the subject matter, there is no reason at all for excluding these suits for cancellation of a decree or other document. The reason given by the Select Committee for removing these suits, though it may apply to other classes of suits, may not with equal force apply to suits for cancellation of a decree or other document. In these circumstances, I request that a new clause may be added, i.e., clause iv-a, including these suits and providing for the valuation of these suits according to the amount of the decree or of the document. In such cases the plaintiff cannot complain of any difficulty or hardship. He is a person against whom the Court has passed a decree, or he is the person who really executes a document for certain amount. If a suit is to be brought on the document so executed by him, the person in whose favour the document is executed will have to pay court fee on the whole amount for which it was executed. There is equally no reason why the person who executes the document, when he comes forward as a plaintiff to have a relief which is exactly the same as in a suit by the person in whose favour the document is executed, should go scot-free and tax the attention of the Court and waste the time of the Court by paying only a small court fee. I therefore move that this clause be added as clause iv-a to section 7."

Mr. T. C. Tangavelu Pillai seconded the motion.

The Hon'ble Mr. K. Srinivasa Ayyangar:—"Sir, I shall gladly accept this amendment too. This was one of the cases which I specifically provided for in my original Bill. But I am afraid this would require a little bit of change, for, all the decrees are not for money, or for property capable of being valued in money. That was really one of the difficulties in keeping on to the original draft of mine. If, for instance, a suit is for cancellation of a decree for money, or for property having a money value, or other documents securing money, or property having such value, the court fee should be according to the value or amount for which the decree was passed or the document executed. This point is clear now. But then the amendment as it stands will give rise to uncertainty. For instance, a decree may be for restitution of conjugal rights. There is no amount there. Again, the decree may be for an easement. There may be no amount fixed there also. If, as I believe, Mr. Somasundaram Pillai wants to confine himself to a decree for money, or for property having money value, I am not able to see why a person who wants to cancel it, or to relieve himself from liability or to get back property, should not pay on the amount decreed or property granted.

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Clause 6—*cont.*

I would, therefore, suggest it to Mr. Somasundaram Pillai, if he has no objection to amend his amendment in this way :—

'for cancellation of a decree for money or property or other document securing money or property having such value, according to the amount or the value of the property for which the decree is passed or the other document is executed.'

"That is how it would read."

The Hon'ble the PRESIDENT :—"The honourable member Mr. Somasundaram Pillai had better withdraw his amendment, so that the Hon'ble the Law Member's amendment may go forward."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"Will you give me one minute, Sir, to write it down?"

The Hon'ble the PRESIDENT :—"The House will now adjourn for lunch."

The House adjourned for lunch at 1-40 p.m. and re-assembled at 2-30 p.m. when the discussion on the Court Fees Act Amendment Bill was resumed.

The Hon'ble the PRESIDENT :—"It was understood that we should take up the Municipal Bill after lunch, but it would be better to proceed with the Court Fees Bill and finish it. Does the Hon'ble the Minister for Local Self-Government agree?"

The Hon'ble Mr. P. RAMARAYANINGAR :—"Yes, Sir."

The Hon'ble the PRESIDENT :—"The House will now resume consideration of the Bill to amend the Court Fees Act. We were last dealing with Mr. N. A. V. Somasundaram Pillai's amendment."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"May I say a word, Sir? What I, Sir, suggest is this: In section 7 of the principal Act, the following clause shall be added as iv (*a*): 'In a suit for the cancellation of a decree for money or other property having a money value or other document securing money or other property having such value according to the value of the subject matter of the suit; and such value shall be deemed to be, if the whole decree or other document is sought to be cancelled, the amount or value of the property for which the decree was passed or other document executed. If a part of the decree or other document is sought to be cancelled such part of the amount or value of the property . . . .' That is in order to have both the cancellation of the whole as well as a part. There was no provision before in regard to the part cancellation."

The Hon'ble the PRESIDENT :—"Before we proceed further let us ascertain the wishes of the honourable member Mr. N. A. V. Somasundaram Pillai."

Mr. N. A. V. SOMASUNDARAM PILLAI :—"In view of what has been suggested by the Hon'ble the Law Member I withdraw the motion made by me so that it may be easier for the Law Member's amendment to go in."

The motion of Mr. N. A. V. Somasundaram Pillai was by leave withdrawn.

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Clause 6—*cont.*

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I move, Sir, that for the words, 'for cancellation', etc., up to 'executed' as it stands here, the following be substituted :—

'In a suit for the cancellation of a decree for money or other property having a money value or other document securing money or other property having such value according to the value of the subject matter of the suit; and such value shall be deemed to be if the whole decree or other document is sought to be cancelled the amount or value of the property for which the decree was passed or the other document executed. If a part of the decree or other document is sought to be cancelled, such part of the amount or value of the property . . . ."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I second it."

The Hon'ble the PRESIDENT :—"The motion before the House is—

In clause 6 *omit* the word, 'omitted', and *insert* the following :—

'In section 7 of the principal Act the following clause shall be added as iv (A): In a suit for the cancellation of a decree for money or other property having a money value or other document securing money or other property having such value, according to the value of the subject matter of the suit ; and such value shall be, if the whole decree or other document is sought to be cancelled, the amount or value of the property for which the decree is passed or the other document executed ; if a part of the decree or other document is sought to be cancelled, such part of the amount or the value of the property . . . ."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"In consonance with the wording of the Act itself, the words 'shall be' might be changed into, 'shall be deemed to be'."

The Hon'ble the PRESIDENT :—"All right."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I want to say a few words in this connexion. I want to point out the difficulty which will be felt by accepting this amendment. Let me illustrate this. Suppose a father or some guardian of a minor, whether real or nominal, executes a document as a guardian of the minor ; the minor has become party to that document ; suppose after the minor comes of age or during the minority, another guardian wants to file a suit to have the document cancelled. Is it necessary that he should pay the whole court fee upon the valuation given in the document? So any man who wants to put the minor into difficulty has only to put in the document a high value, so that the minor when he comes of age will have to pay court fee on the very high amount. We know that when minors are made defendants to suits, either some collusive defence will be put in or no defence will be set up. The sarishtadar or some other officer of the court is appointed as a guardian and in the usual course a decree is passed ; and if the minor after he attains majority or during his minority somebody else wants to file a suit, court fees upon the high value that has been put in the decree have to be paid. These difficulties seem to be there and it is better that we do not accept this amendment. The matter was considered at great length by the Select Committee and the suggestion covered by this amendment was not accepted. If the Hon'ble the Law Member finds any difficulty in future in such matters, as he seems to have suggested in the Select Committee, he may bring in a Bill and after due consideration the Council may accept it then. Instead of that, even though for the sake of raising the pay of the village officers, to go so far as to increase

2-45 p.m.

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Clause 6—*cont.*

the court fees beyond what is recommended by the Select Committee or even to make an advance over the Hon'ble the Law Member's original Bill is not justifiable. It should be very much deprecated. I therefore oppose this amendment."

The motion was put and carried.

Clause 6 as amended was then passed and added to the Bill.

CLAUSE 8.

Amendment 10.

Mr. M. SURYANARAYANA PANTULU :—" May I inquire, Sir, as to whether it will not be convenient to have the amendment standing in my name taken before the amendment of Mr. Krishna Rao is taken ? "

The Hon'ble the PRESIDENT :—" I think we had better follow the agenda."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I beg to move the following amendment :—

'10. *In line* 39 *substitute* "*fifteen*" *for* "*twenty.*"'

" The present Act says that ten times the revenue payable should be taken as the value of the land, and in the case of land that is not permanently settled, five times the revenue payable should be taken as the value of the land for purposes of court fees. Under this Amendment Bill 20 times the revenue of the land which is permanently settled should be taken as the value of the land, and in the other case ten times the revenue is to be taken as the value. No doubt in the latter case the fees have been raised by cent per cent. But I think the exigencies of our financial position do not require that the same proportion should be observed in the other case also. Even if 15 times the revenue is taken into consideration, the increase will be by 50 per cent over the present rate. Even as matters stand at present, the disparity between the two cases is very much. It is five times in one case and ten times in the other. Simply because in the one case we are raising it by 100 per cent. we need not raise the other also in the same proportion. Let the increase be moderate in all cases. For these reasons, I move this amendment."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I second it."

Rao Bahadur K. GOPALAKRISHNAYYA :—" Sir, I have also given notice of a similar amendment, and I have great pleasure in supporting the amendment moved by my friend Mr. Krishna Rao. Though we are agreed that there should be some increase in the court fees, I think the enhancement in the present case by 100 per cent is too high, and this House will be well advised to accept this amendment."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" Mr. President, I do not think that the proposal which I have made is really adequate. It ought to have been very, very much more, and I shall be glad to have the market value of the property for purposes of valuation of the suit. Out of nearly 4½ lakhs of cases, it is only about 25,000 that relate to immovable property, and it is the experience of every one that these suits for immovable property occupy the largest portion of the time of the courts. You go and value a particular suit for immovable property at five or ten times the revenue as the case may be, paying six or twelve annas, and then go on taking the time of the court for years together. Not merely is there the first court, but there

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13th March 1922] [Mr. K. Srinivasa Ayyangar]

Clause 8—*cont.*

is an appeal and also a second appeal in these cases. Let me just illustrate the position in which we now stand. With regard to the vast majority of the cases, as I said, nearly four lakhs and odd are money suits, that is, they have to pay on the actual value of the relief sought for. As to suits for land there is a conventional value adopted, which value is far, far below the real value of the relief they get. Is it just, I ask? It is not a question of raising the value cent per cent or 50 per cent. It is a question of their paying adequate court fees for the time they take in the courts, and in proportion to the real value of the relief they get. I will illustrate the position by taking two concrete cases. In one case the value of the land was put in at Rs. 686–8–0. The past mesne profits for three years, for which the suitor must pay the court fee at the outset, the plaintiff valued at Rs. 200. The suit was filed in 1902. He had the pleasure of fighting it out till the High Court finally got possession of the land in 1907, and promptly put in an execution petition for past profits claiming Rs. 75,510. Is it right that the man should recover the property whose profits for 10 years are taken to be Rs. 75,510, valuing it at Rs. 686–8–0, because he has to pay at five or ten times the revenue? In another case the value of the suit was Rs 1,025. For future mesne profits and till he took possession, he got Rs. 22,335. It is the experience of almost every lawyer that the value of the land for purposes of court fees is far, far below the value of the relief that is claimed. Persons who sue for land get this exemption, and the vast majority of those who sue for money have to pay the court fee on the real value of the relief.

"Again, I am not able to see on what principle this 15 per cent is suggested. There is really no principle. I want, if possible, to bring the conventional value as far as possible to the level of the real value of the property. I therefore think that any reduction in the proposal which I have made will really be a bonus to a particular class of litigants at the expense of the other class of litigants."

Mr. T. ARUMAINATHA PILLAI:—"Sir, I rise to support the amendment. The Hon'ble the Law Member cited two cases wherein the mesne profits rose on account of the long lapse of the period between the institution of the suit and the disposal of the same, and said that it was really cheating the Government by not paying the adequate court fees. But the Hon'ble the Law Member seems to have forgotten that in the Act as amended now, he has also provided for such evasions."

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*interrupting*):—"I was speaking in connexion with the profits accrued and the value of the land. If the profits amounted to Rs. 75,000, what justification is there for valuing the land at Rs. 600?"

Mr. T. ARUMAINATHA PILLAI (*continuing*):—"So far as the enormous mesne profits are concerned, they are now provided in the Bill itself. They will have to shell out a large amount in the shape of court fee before they can collect their enormous mesne profits. Therefore I do not believe that there is any point gained by citing these two cases of Rs. 75,000 and Rs. 22,000. So far as the value of the land is concerned, it is very good of the Hon'ble the Law Member to have frankly stated that he does not base his increase of ten times or twenty times on any principle except that of grabbing as much money as possible."

3 p.m.

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[13th March 1922

Clause 8—*cont.*

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*interrupting*) :—" That is not quite accurate. What I stated is that it is not possible even with this 10 per cent or 20 per cent increase to approximate its real value."

Mr. T. ARUMAINATHA PILLAI (*continuing*) :—" That was another argument of the Hon'ble the Law Member. I wish to ask the Hon'ble the Law Member that when there is any decrease or depreciation in value of land, is he going to allow any sort of depreciation in the ten times or twenty times? It is impossible to do all these things. There is no use of going from one side of the question to another. If we are going to increase at all it must not be by cent per cent. I submit that 50 per cent would be a reasonable amount of increase."

Mr. N. A. V. SOMASUNDARAM PILLAI :—" I beg to support the amendment. No doubt at present there is an anomaly. There is no proportion whatever between the amount of rates fixed and the value of the estate. The estate may be worth some lakhs, but the plaint would give its valuation at some thousands. The position taken by the Government is that they claim title to the lands ; that is to say, in zamindari and ryotwari lands the surface of the soil belongs to the zamindar, and all that lies underneath the soil or above it belongs to the Government. Therefore they fix a value with reference to what they consider to be the right possessed by the zamindar or ryot. It is by reason of that notion that the value in difference arises with regard to court fees. Anyhow seeing that the land is valued for purposes of court fees only at a certain proportion of peshkash, there is no reason why the court fee should be raised by cent per cent. I think it would be reasonable to have it raised by 50 per cent, that is from ten times to fifteen times. For these reasons I beg to support the amendment and say that fifteen times would be enough instead of twenty times."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I only wish to point out that the argument advanced by the Hon'ble the Law Member would have been more relevant to the question of fixing the value of the land in suits of this description. All that he stated was that in view of the disproportion that now exists in cases of mesne profits, there was cause for making the value approximate to the land as much as possible. Whatever be the reasons that might have been urged for adopting that method it is not now proposed to fix the value of the land as the basis upon which court fee ought to be paid. When that matter has been conceded, it is necessary to see whether there is any justification for increasing the valuation so far as suits of this description are concerned by cent per cent. The Hon'ble the Law Member has been good enough to state that there is no principle at all guiding this. My only justification for putting forward this amendment is this : that as matters stand at present, there is a difference of 5 per cent provided in cases of suits regarding ryotwari lands and in cases of suits in permanently settled estates. The effect of this amendment is going to be that when the valuation was five and ten times formerly, it would be ten and fifteen times according to the new method of calculation. The principle involved in the matter is that we should be somewhat considerate in the rates by which it is proposed to increase the court fees. It is not desirable to increase it all at once by cent per cent. It is desirable that we should limit it only to half that amount so as to make it possible for persons to realise that we are quite

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13th March 1922] [Mr. A. S. Krishna Rao Pantulu]

Clause 8—*cont.*

reasonable and moderate in the enhancement we propose. Already we are all aware there has been some amount of dissatisfaction that there has been an increase of taxation all round in every case. That feeling has been given expression to in various sections of the press. That is a circumstance which ought to be taken into consideration before we make such enhancement as is now proposed. It is only to moderate the enhancement proposed that I move this amendment."

The Hon'ble Mr. K. Srinivasa Ayyangar :—"I think I was particularly clear in explaining my position. But unfortunately it appears that both my honourable friends Mr. Arumainatham Pillai and Mr. Krishna Rao have chosen to misunderstand me. For instance, a property sued for is valued at Rs. 600 though it yields an income of Rs. 7,000. I should imagine that the property would ordinarily be worth in the market Rs. 150,000 and consequently a person who sues to recover that property should pay an adequate court fee which will have to be on Rs. 1,50,000 instead of Rs. 600 or Rs. 700. I was trying to raise the coventional figure that it may, if possible, approximate the real value. In no event can it really approximate the real value with regard to ryotwari estates and with regard to permanently settled estates. It will take too much time to investigate the value of the land in every case and so a conventional figure was adopted in the original Act and the conventional figure then probably approximated to the real market value, while we know by experience that it does not now in any way represent the real market value. It is time now that this figure is raised. That is the principle which has been adopted. It is only equitable that these persons should pay according to that rate."

The amendment was put to vote and lost.

On the motion of Rao Bahadur A. S. Krishna Rao Pantulu a poll was taken with the following result :—

Ayes.

1. Diwan Bahadur C. Arunachala Mudaliyar.
2. Rao Sahib S. Ellappa Chettiyar.
3. Rao Bahadur K. Gopalakrishnayya.
4. Mr. J. Kuppuswami.
5. Mr. N. A. V. Somasundaram Pillai.
6. Mr. P. Venkatasubba Rao.
7. Rao Bahadur A. S. Krishna Rao.
8. Mr. C. V. Venkataramana Ayyangar.
9. Rai Bahadur T. M. Narasimhacharlu.
10. Rao Bahadur C. V. S. Narasimha Raju.
11. Rao Sahib U. Rama Rao.
12. Mr. T. Arumainatha Pillai.

Noes.

1. The Hon'ble Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, Mr. P. Ramarayaningar.
6. ,, Rai Bahadur K. Venkata Reddi Nayudu.
7. Mr. C P. Ramaswami Ayyar.
8. Mr. T. E. Moir.
9. Mr. F. J. Richards.
10. Mr. C. W. E. Cotton.
11. Mr. R. Littlehailes.
12. Mr. E. Periyanayagam.
13. Mr. A. Ramaswami Mudaliyar.
14. Mr. R. Appaswami Nayudu.
15. Rao Bahadur V. Appaswami Vandayar.
16. Sir P. Tyagaraya Chettiyar.
17. Mr. S. T. Shunmukham Pillai.
18. Mr. O. Tanikachala Chettiyar.
19. Mr. W. Vijayaraghava Mudaliyar.
20. Mr. B. Muniswami Nayudu.
21. Mr. W. P. A. Saundara Pandia Nadar.
22. Mr. S. Somasundaram Pillai.
23. Mr. T. C. Tangavelu Pillai,
24. Diwan Bahadur M. Ramachandra Rao Pantulu.
25. Diwan Bahadur M. Krishnan Nayar.
26. Mr. S. Muttumanicka Achari.
27. Rao Bahadur Dr. C. B. Rama Rao.
28. Mr. M. Suryanarayana Pantulu.
29. Rao Sahib E. C. Mascarenhas.
30. Rev. W. Meston.
31. Khan Sahib Muhammad Abdur Rahim Khan Sahib.
32. Mr. Saiyid Diwan Abdul Razaaq Sahib.
33. Mr. L. C. Guruswami.
34. Mr. G. Vandanam.
35. Rao Sahib P. Venkatarangayya.
36. Sir James Simpson.

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Clause 8—*cont.*

The amendment was declared lost, 12 having voted *for* and 36 *against*.

Amendments 11 *and* 12.

The following amendments fell out in consequence :—

Mr. P. Siva Rao :—

" 11. *In line* 39 *for the word* ' *twenty* ' *substitute* ' *fifteen* '.

Rao Bahadur K. Gopalakrishnayya :—

" 12. *In line* 39, *for the word* ' *twenty* ' *substitute the word* ' *fifteen* '."

Amendment 13.

Mr. M Suryanarayana Pantulu :—" Sir, I beg to move—

' 13. *Omit lines* 38 *and* 39 *beginning from* " *in* " *and ending with* " *substituted* " *and in their place substitute the following* " *in* (*a*) *between the words* ' *ten times* ' *and the words* ' *the revenue* ' " *add the words* " *the difference between,* " *and at the end of the clause add the words* " *and the gross demand of such estate or part of such estate* " '.

" Sir, the result of my amendment will be that a person who sues for an estate or part of an estate which is permanently settled will have to pay upon ten times the difference between the peshkash or the revenue that is payable and the gross demand. The Hon'ble the Law Member told us that with regard to immoveable property or more especially with regard to suits of zamindari or proprietary estates, the value for purposes of court fees has absolutely no comparison whatsoever to the actual value of the property. The result is the peshkash which was fixed so early as 1802 is taken as the standard for purposes of calculating the value of the property. Let us take the analogy of an inamdar for instance who pays a quit-rent which is certainly far in excess of the peshkash *pro rata* per acre.

" But still an inamdar is made to value his suit fifteen times, not of the quit-rent that he pays, but fifteen times the profits arising from the land in the year immediately prior to the suit. It works out worse than the case of the zamindars, whose property is as valuable as the property of the inamdars, and they get off with a mere ten times the peshkash they pay to the Government. The inamdar has to pay not merely ten times or fifteen times the quit-rent but fifteen times the profits arising immediately prior to the suit. I think it is objectionable.

3-15 p.m.

" There is also another point. Having regard to the possibility of this House suggesting a rate of fees in regard to persons who really deserve help and assistance from this House, I submit that men who can afford to pay should and ought to be made to help the administration, and assist persons who cannot really pay. I submit, therefore, the amendment for the acceptance of the House."

Rao Bahadur C. V. S. Narasimha Raju :—" Sir, I have promised my friend to second the amendment. Of course, personally, I do not like very much that private members should go in to assist the Government by their amendments to increase the rates of taxation Now, there are two kinds of zamindari lands. Certain zamindaris were settled at 90 per cent of the assets at the time of the settlement and others at about half or less than half of the assets. The peshkash really bears no proportion to the real value of the estate in the case of most of the zamindaris. Even the present income

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Clause 8—*cont.*

of the zamindaris bears no proportion to the peshkash. The conventional value has been done away with in the case of inams and the previous year's income is taken into consideration, in fixing the value and the same thing may be done for the zamindari lands also. It will be a far more satisfactory valuation than the valuation laid in the Act as it is."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" Sir, I am in some difficulty regarding this amendment. If somebody assures me that this is going to improve the revenue I will gladly accept it. My own idea is that it will, and I am inclined to accept it. But all the same I want to present this bonus to the zamindars by not accepting it for several reasons. It is stated in the amendment 'the gross demand of such estate or part of such estate.' Will this gross demand include the revenue from pannai, fisheries, forests, and other items? I am not sure. In the jamabandi you take into consideration all these items, but the gross demand may be construed as confined to the rent received by the zamindar. In this case it will give less. Further, there will be difficulties in determining the gross demand. The peshkash is easily ascertainable. In these circumstances I do not propose to say anything further."

Mr. N. A. V. SOMASUNDARAM PILLAI :—" The honourable member seems to be labouring under a misapprehension that the income is not very much above the peshkash payable. It may possibly be that the income from the estate may be Rs. 4,000, while the peshkash payable is only Rs. 1,000. So, if we calculate in the way pointed out by the honourable member, the plaintiff will have to pay more court fee. This will work a very great hardship on the zamindari landlord. In these circumstances I oppose the motion. I will even request the honourable member to withdraw his motion."

Mr. M. SURYANARAYANA PANTULU :—" Sir, I thought that this amendment was one which ought to be acceptable to the Government. But since the Hon'ble the Law Member says that he wants to make this as a bonus to the zamindars, I hope he will be equally just, when the time comes, to others also. I beg leave to withdraw the motion."

The motion was by leave withdrawn.

Amendment 14.

Rao Bahadur K. GOPALAKRISHNAYYA :—" Sir, in view of the result of amendment No. 10, I do not move the following amendment :—

'14. *In line* 41 *for the word* " *ten* " *substitute the word* " *eight.*" ' "

The amendment was not moved and was therefore deemed to have been withdrawn.

Amendment 15.

The following motion was deemed to have been withdrawn as the member was not in his seat :—

Mr. P. SIVA RAO :—

'15. *In line* 41 *for the word* " *ten* " *substitute* " *seven and a half.*" '

Clause 8 was then put and passed and added to the Bill.

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CLAUSE 9.

Amendment 16.

Mr. N. A. V. SOMASUNDARAM PILLAI :—

'16. *Omit* "(*Omitted*)" *and insert the following* :—

"*At the end of section* 7 (*ix*) *the following paragraph shall be added*:—

'*Provided that if the Court finds that a bona fide dispute as to title is raised, it may at or before the first hearing direct the suit to be valued as a suit for the possession of the mortgaged property*'."'

The above motion was not made and was therefore deemed to have been withdrawn.

CLAUSE 11.

Amendment 17.

Mr. M. SURYANARAYANA PANTULU then moved the following amendment:—

"17. *In line* 27 *after the word* '*court*' *and before the word* '*shall*' insert *the words* '*from time to time may*' *and* omit *the word* '*shall*' *occurring after the word* '*court*' *and before the word* '*fix*.'

In doing so, he said:—"Honourable members will find that the first paragraph of clause 11 ends thus: 'If the additional fee is not paid within such time as the court shall fix, the claim for the excess shall be dismissed.' What I want is after the word 'court' to insert 'from time to time may' and omit 'shall' before 'fix'. The sentence will then read thus: 'If the additional fee is not paid within such time as the court from time to time may fix, the claim for the excess shall be dismissed.' The object of moving this amendment is similar to that of the amendment moved by Mr. Tanikachala Chettiyar the other day, so that we may be on the safer side. It is quite possible that the courts of justice might find difficult sometimes to extend the time. It is quite possible for the court to say: 'The additional fee is not paid within such time as the court fixed. Such a date having expired it is not possible for me to extend the time any more.' The object of the amendment is to give the court power to extend the time if it deems fit. I know as a matter of fact the Court is allowed a discretion to grant time for doing a particular thing. It is absolutely within the competence of such courts to exercise discretion in granting adjournment. I move this only to be on the safe side. Therefore I formally make this motion."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"I second this amendment. I do not think that the Government will have any objection to this amendment which does not, in any way, affect adversely the taxation proposals. On the other hand it gives the Government an opportunity to get more money. The court may not have power to extend the time; the amendment only gives the court power to extend time and greater latitude for the plaintiff to deposit the court-fee on the mesne profits. If the amendment is not allowed, the courts may say that they have not got the power to further extend the time. In that way the Government may lose the chance of getting additional money. Of course the other party may be benefited thereby, but the Government will be deprived of its stamp duty."

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Clause 11—*cont.*

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I have no objection to accept the amendment. I do not know whether my friend will accept a slight verbal alteration. Because, if the amendment is accepted as it is, the language of the amended clause will be inelegant."

At the suggestion of the Hon'ble the President, Mr. M. Suryanarayana Pantulu withdrew his motion by the leave of the Council to enable the Hon'ble Mr. K. Srinivasa Ayyangar to move his amendment.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I formally move the following amendment, Sir :—

'In line 28 *omit* the full stop after the word "dismissed" and *add* the words "unless the court for sufficient cause extends the time for payment."'

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I second it."

Rai Bahadur T. M. NARASIMHACHARLU :—"I have got one doubt. Sometimes, it so happens the client who brings the money, by some accident, misses the train or there is some other accident by which he comes one day too late. Then he applies for extension of time, but the court does not allow it saying he ought to have applied before the expiry of the period. Very often I have come across with such a construction of this particular clause—".

3-30 p.m.

Mr. C. P. RAMASWAMI AYYAR (*interrupting*) :—"That point has been cleared by previous decisions."

Rai Bahadur T. M. NARASIMHACHARLU (*continuing*) :—"But decisions change. Very often what High Courts have decided the Privy Council has upset. As we are legislating, we may sometimes err on the side of superfluity. It is well to make the point very clear so that the courts may not attempt to change its original meaning."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"It will be merely to make the sentence very elegant. This is the expression used in various Acts. I do not think there is any real difficulty."

Rao Bahadur K. GOPALAKRISHNAYYA :—"The amendment is redundant. The last sentence 'if the additional fee is not paid within such time as the court shall fix, etc.' does not mean that the court has no power to extend the time. Ordinarily, the sentence would be construed only as meaning that the court still has power to extend the time. The purpose of the Act is only to limit the time. It does not mean that the time should be limited only to the first occasion. No proviso would therefore be necessary in this case. Moreover, according to section 151 of the Civil Procedure Code the court has inherent powers to extend the time limit. There is also an express provision for extension of time. Therefore, no express proviso is necessary."

The motion—"In clause 11, line 28, omit the full stop after the word 'dismissed' and add the words 'unless the court for sufficient cause extends the time for payment'"—was put and carried.

Clause 11 as amended was then passed and added to the Bill.

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CLAUSE 12.

Amendment 18.

Rao Bahadur K. GOPALAKRISHNAYYA :—"I beg to move the following amendment :—

'18. *Omit the whole clause.*'

"The amendment proposed in clause 12 relates to section 18 of the principal Act. Section 18 reads as follows :—'When the first or only examination of a person who complains of the offence of wrongful confinements, or of wrongful restraint, or of any offence other than an offence for which police officers may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Act, is reduced to writing under the provisions of the Code of Criminal Procedure, the complainant shall pay a fee of eight annas, unless the court thinks fit to remit such payment.

"As it is, the Act provides for payment of eight annas. Now the proposed amendment seeks to provide one rupee instead of eight annas. In non-cognizable cases for which written complaints are generally essential such an enhancement from eight annas to one rupee would be a hardship in cases where poor people are involved. Therefore I move that this clause 12 may be deleted."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"With regard to the raising of these small amounts, we have followed the Bills which have been introduced in other provinces. I think that they should pay at least this fee. It is only applicable in cases where the complaint is for wrongful confinement or for wrongful restraint or any offence other than an offence for which police officers may arrest without a warrant, and they have not already presented a petition. Consistently with this, we have also raised the fee to one rupee in the second schedule with regard to complaints of this sort."

Rao Bahadur K. GOPALAKRISHNAYYA :—"I do not think there is any possible explanation for this increase. I still hold that this clause 12 should be deleted."

The Hon'ble Sir LIONEL DAVIDSON:—"As the honourable member presses this amendment, I should like to say a word or two based on the experience of a good many years during which I had to deal with magisterial cases. That experience showed that summons cases like these are frequently of a very frivolous description indeed, and it is certainly desirable to put some check on frivolous complaints. Such a check is furnished by the requirement that an eight-anna stamp shall be affixed to the complaint. And so far as the case of the poor man is concerned, there need be no hardship in the matter, because the final words of section 18 of the Court Fees Act give the court power to remit such payments if it thinks fit. The present proposal is merely to increase the stamp duty on those complaints from eight annas to one rupee. Since, as I have stated, the final words of section 18 give the court power to make remissions, I really do not see any good ground for objection or alteration."

The amendment was put and lost.

Clause 12 was then passed and added to the Bill.

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SCHEDULE I, ARTICLE 1.

Amendment 19.

Rao Bahadur C. V. S. NARASIMHA RAJU :—"I beg to move the following amendment :—

'19. Add *the following as proviso* :—

"*Provided that half the amount of the fee paid under the provisions of this clause shall be refunded when a suit, or a set-off or counter-claim is decreed* ex parte *or compromised before evidence has been adduced.*" '

"The effect of it is, in the case of suits decreed *ex parte* or suits compromised before evidence is let in, to refund half the court fees paid in the suit. This does involve a loss of revenue, but we shall have to consider whether it is a just principle or not that has to be given effect to. In a suit which is decreed *ex parte* the time of the court will not be occupied, and it is reasonable that the whole of the court fees shall not be retained, but half of it should be refunded. One of the reasons that induced me to send in an amendment to this effect is that in most cases the defendant does not dispute the claim but on the other hand is not able to pay his creditor and the creditor finds it necessary to arm himself with a decree to proceed against the debtor to recover his money. The debtor ultimately will have to pay not only the amount due but the cost in the shape of court fees as well. Of course the number of suits decreed *ex parte* is large compared with other suits. Out of 500,000 of suits filed in the year 1920 the suits decreed *ex parte* is 186,000 and odd. I do admit that it is a good number, but this House has to consider whether it is the right principle or not when the time of the court is not occupied and ultimately when the whole amount has to be borne by the poor debtor himself, who is unable to pay even the principal amount and drives the creditor to go to court and arm himself with a decree to proceed against him.

"Regarding suits for compromise, the number is very small. The suits that are compromised are only 6,245 out of 500,000 instituted, and that some of these 6,245 may be suits that were compromised after the trial had begun. I want only to exclude suits which were compromised before the trial had begun. The reason is the time of the court is not occupied. This is the best time to debate this principle, because we have increased the rate of court fees and if relief is not given at this stage, I think the Government may find it more difficult to give relief in those just cases hereafter. In my opinion, there will be a sort of good inducement for suits being compromised if such a refund of court fees is given. In a good number of cases, compromise, we know as a matter of fact, is more desirable than decision of the court. With these few words I commend this amendment for the acceptance of the House."

3-45 p.m.

Mr. M. SURYANARAYANA PANTULU :—"Mr. President, I have great pleasure in seconding this resolution and, in doing so, I would urge for the consideration of this Council one more fact in addition to what has already been submitted by the Hon'ble Mr. C. V. S. Narasimha Raju and that is that in *ex parte* suits while so far as the party is concerned it is only half fee that is taxed. I do not see any reason why the Government also should not forego half of the court fee which it has received in respect of that suit. Similarly in regard to a suit which has been compromised half may be refunded on the above ground."

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Schedule I, Article 1—*cont.*

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"Mr. President, there is some difficulty in accepting this amendment as it is. I do not know whether the words 'before evidence has been adduced' apply to *ex parte* decrees also or whether it governs only compromise—"

Rao Bahadur C. V. S. NARASIMHA RAJU (*interrupting*) :—"It is not my intention that it should govern *ex parte* decrees."

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*continuing*) :—"Now, Sir, at once the question arises whether there is any justification for a refund of half fee when the suit is decreed *ex parte*. I will deal with the question of compromise separately. In suits *ex parte*, the court ought to be very vigilant before it passes the decree. And then, supposing for instance the decree *ex parte* is set aside, there is no provision for its refund. Under these circumstances it is impossible for me to accept the provision as regards the decrees *ex parte*. I am willing to go as far as legislation has yet gone, i.e., what is found in section 73 of the Presidency Small Cause Court Act. If the suit is settled out of court, before the hearing, then one-half of the fee is refunded, and there is no chance of the matter coming up to court for decision of the issues thereafter. If that was all, and if a proper amendment had been proposed, I would have accepted the amendment.

"I do not think this is the proper place to provide for it. It ought to be really done by a substantive section and not as a proviso to this clause here, more especially when you see that clause (1) excludes all cases, and it is in Small Cause cases that it is desirable to give this indulgence. This amendment, as it is, is defective in several particulars and it is impossible to accept it."

Rai Bahadur T. M. NARASIMHACHARLU :—"I feel, Sir, certain difficulty in the amendment proposed and in the suggestion made by the Hon'ble the Law Member. The difficulty that I feel with reference to the amendment is this. It is stated here 'when a suit or a set-off or a counter-claim is decreed *ex parte*,' etc. I find a little difficulty in understanding the meaning of a 'set-off' being decreed *ex parte* or 'counter-claim' being decreed *ex parte* or 'set-off' or 'counter-claim' coming after the institution of the suit by the plaintiff. Both parties are there, one pleads a 'set-off' to the plaintiff's claim. I find a little difficulty also to understand what is meant by a set-off or a counter-claim being decreed *ex parte*. The difficulty that I feel with reference to the suggestion made by the Hon'ble the Law Member is this: he says these things are settled out of court before the first hearing. A set-off comes in only after the first hearing by a written statement and counter-claim also comes in after the first hearing. Therefore, I fail to see how the suggestion can hold good with reference to a set-off."

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*interrupting*):—"I may say at once, Sir, that I did not mention that as a perfect amendment. If at all it is agreed to, it ought to be done by a separate section."

The Hon'ble the PRESIDENT :—"In any case, I must draw the attention of the House to the fact that the motion before it is that of the honourable member Mr. Narasimha Raju, not any casual suggestion thereto made by the Hon'ble the Law Member."

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Schedule I, Article 1—*cont.*

Rai Bahadur T. M. NARASIMHACHARLU (*continuing*):—"Therefore, if the learned mover of this motion will find his way to make that point clear, I think, Sir, there will be no difficulty at all in supporting this amendment. There is no use in putting forward amendments which will give rise to difficulties in the actual application of them when the courts have to apply them and give relief. Therefore I submit that it is better that thing is well thought out and clearly enacted instead of giving rise to difficulties later on."

Mr. T. C. SRINIVASA AYYANGAR:—"Sir, the Government should view the proposals contained in this amendment with generosity; you have noticed some amendments put forward from the non-official benches with a view to enhance court fees in cases where a considerable time of the court is taken up in trials and in hearing arguments. The present amendment is for reducing the court fee. It will, in effect, have operation only in cases of money suits, particularly in Small Causes. It will be quite familiar to many, that in Small Cause courts 70 to 100 suits are ordinarily posted to a day and more than three-fourths of them are disposed of in a single day, whereas a small suit for injunction involving water rights will keep the time of the court engaged for several days and a considerable time will be required by the Judge to hear the arguments and consider and write his judgment. Therefore, the justice of this amendment will be patent. The Law Member thought that there was difficulty between the two classes of cases which are mentioned in the amendment, i.e., *ex parte* decrees and cases of compromise before evidence had been adduced. I do not see how the case of the *ex parte* decrees will create difficulties. The only difficulty which he mentioned was, that if there was an *ex parte* decree and the decree-holder got refund of the half fees, and if the defendant came afterwards and wanted to set aside the decree, there would be difficulty in getting the other half fee. Certainly there are provisions both in the Provincial Small Cause Courts Act and also the Civil Procedure Code that the order reopening the decree may put conditions upon the applicant, the defendant, who wants to reopen the case; he may be called upon to give security for the court fees The plaintiff when he appears to contest the petition or to proceed with the case, can he be called on to pay the other half fee? In the interests of justice all this can be done, and I do not see any difficulty at all anywhere. Is there not difficulty in bringing forward this amending Bill for the purpose of altering the present law? There are about 70 Small Cause suits ordinarily disposed of. I know of a certain judge who used to hear and dispose of even larger number of cases on account of the abundance of knowledge of local conditions he possessed to the great satisfaction of parties. I fail to see why this measure of relief cannot be given in money suits. I understand that in Mysore they refund half the court fees where decrees are given *ex parte*. I only heard this and I state it subject to correction."

Mr. O. TANIKACHALA CHETTIYAR:—"I beg to oppose this amendment. I am sorry all this discussion has ignored the end in view as set out in the Statement of Objects and Reasons of the Bill, i.e., to meet the increased cost of administration. No doubt we have, in entering upon a consideration of the principles of the Court Fees Act, to consider questions of equality and equity. But we are amending the Act with a view to provide additional revenue.

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Schedule I, Article 1—*cont.*

Would we be justified in cutting down the already existing provisions so as to take away with the left hand what we profess to have given with the right hand? It is only on that ground that I say that we should not be taking away revenue that we are already getting on the pretence of making the taxation equitable."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I feel my honourable friend Mr. Tanikachala Chettiyar has either not noticed or not heard what the Hon'ble Mr. Srinivasa Ayyangar himself pointed out, viz., that there is a provision in the Small Cause Courts Act applying to Madras and that this provision—"

Mr. O. TANIKACHALA CHETTIYAR (*interrupting*) :—" My point is that this was a revenue producing act, however much you may be justified in the case of the Small Cause Court or the original side of the High Court. This is not the place for it. The result of such an amendment would be to cut down the revenue."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*continuing*) :—" My honourable friend seems to object even to bringing the new law in conformity with the procedure in Madras. If the raising of revenue means that everybody outside Madras should pay double the amount of court fees, and if that is my friend's idea of equality or equity in the treatment of all litigants, I think it is somewhat ununderstandable. All that is attempted in the present case is to put the litigant in the mufassal in exactly the same position as his fellow litigant in Madras. So far as concerns suits relating to compromise, if my honourable friend concedes the justice of this proposal, I am not able to appreciate his objection when he says that it is a revenue question and that it does not matter whether litigants in the mufassal pay double of what is paid elsewhere.

" Then as regards suits compromised or decreed *ex parte*, undoubtedly there is some difficulty. I must endorse the statement made by my friend, Mr. Srinivasa Ayyangar, that 100 suits are disposed of in one day. This proposal of refunding a portion of the court fees in *ex parte* decrees has been under consideration for a good number of years, and I think this particular opportunity should be taken to relieve these litigants in the circumstances mentioned in this amendment."

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*) :—" I am afraid there has been some confusion created with regard to the practice in the Presidency Small Cause Court. In the Presidency Small Cause Courts Act the only provision for the refund of any amount is when the suit or the proceeding is settled by a compromise of parties before hearing and there is no question of any such refund in *ex parte* cases

" Another observation fell from a member of the House with regard to the terms on which parties might be placed if an *ex parte* decree was set aside. At all events I have great difficulty in reconciling that statement with the actual provisions of the Civil Procedure Code. It merely says that as between party and party, one party may be put on terms as to costs and otherwise before an *ex parte* decree is set aside. I do not think that under that provision it would be possible to make the plaintiff pay excess court fees."

4 p.m.

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Schedule I, Article 1—*cont.*

Mr. N. A. V. SOMASUNDARAM PILLAI :—" Mr. President, I heartily support the principle embodied in this amendment. Such a provision for the refund of court fee is very necessary in the case of persons who honestly admit the plaint allegations or allow the suit to be decided *ex parte* against them or enter into agreement with the parties as to plaint claim. In fact the introduction of such a provision will largely give an inducement to the parties to come and state the truth or admit the plaint before the court. Otherwise as a matter of fact it goes without saying that there would be no gain at all by the claim not being contested. They rather prefer to take a chance of contesting the suit and drag it on to a great length of time. So I think the introduction of such a principle would be very desirable and necessary. I am not able to appreciate the argument of my honourable friend Mr. Tanikachala Chettiyar when he said that this being a Bill introduced with a view to raise revenue it is altogether out of place to have any such consideration. Certainly that is not the principle which underlies the Bill as placed before the Council nor is that the principle on which the members should consider it in amending the provisions of the Bill. No doubt one object is to remedy the present financial difficulties. The other object is that the Act is such an old one passed over fifty years ago and therefore the provisions require some amendment. The mere fact that this Bill has been brought forward now for the purpose of raising revenue would not prevent this Council from considering it and saying whether any principle is reasonable or not."

Mr. O. TANIKACHALA CHETTIYAR (*interrupting*) :—" I did not say that the principle should not be considered, Sir."

Mr. N. A. V. SOMASUNDARAM PILLAI (*continuing*) :—" There is a provision in section 73 of the Provincial Small Cause Courts Act to the effect that whenever any such suit or proceeding is settled by agreement of the parties before hearing, half the amount of all fees paid up to the hearing ought to be repaid to the parties. But in regard to the amendment as it now stands, there is some difficulty. As it is, the amendment says when a suit or set-off or counter-claim is decreed *ex parte* or compromised, etc., as pointed out by the honourable member for Vizagapatam, but the set-off or counter-claim cannot be decreed *ex parte*. It would be much better if we say 'if a suit is decreed *ex parte* or such a suit or counter-claim or set-off is admitted by the other side, or is settled by agreement between the parties.' So far as compromises before evidence is adduced are concerned, it would lead to unnecessary complication to decide as to when the compromise was effected, whether it was effected before or after the settlement of issues or filing of the statement, or after the suit has undergone a number of adjournments during a period of one year or even two years or more. If I have the permission of the Hon'ble the President I would like to move an amendment to this effect: 'provided that half the amount of fee paid under the provisions of this claim shall be refunded when a suit is decreed *ex parte* or when a suit or set-off or counter-claim is admitted by the opposite party or settled by agreement of parties,' omitting the words 'or compromised before evidence has been adduced.' If that is permitted, I beg to move that amendment."

The Hon'ble the PRESIDENT :—" Does any honourable member object to the moving of the amendment ? "

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Schedule I, Article 1—*cont.*

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I do object, Sir. After all, it is the case of a Bill. It is not even a resolution. If any member wants to add one more to the amendments already tabled, the amendment should be clear and intelligible. I had no notice of it."

The Hon'ble the PRESIDENT :—"I fear I have to uphold the objection. We are dealing with this Bill under considerable difficulty. Does the honourable member Mr. Narasimha Raju wish to reply ?"

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, as I understand the Hon'ble the Law Member, I think he is for making a concession in favour of the litigant public in the case of suits compromised at an early stage. I do see the difficulty of introducing this provision at this place. But if the honourable member gives an assurance that later on when it is convenient he will introduce a Bill giving effect to these principles, I have no objection to withdraw my motion."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I am sorry, Sir, I cannot give any such assurance at all, but what I do propose to do is to examine the whole Court Fees Act with a view to make it clearer and if possible to make it more logical."

The amendment was put to the House and lost.

Amendment 20.

The Hon'ble the President then called on Mr. N. A. V. Somasundaram Pillai to move the next amendment which stood in his name.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"I rise to a point of order, Sir. This is an amendment which should come at the end of the article 1. There are other amendments which relate to other items in the article, intermediary items, printed down below in the agenda which will have to be disposed of before this amendment is taken up."

The Hon'ble the PRESIDENT :—"I think it is all right. There are three columns to schedule I which we are now dealing with. The amendments relate to items in all the three columns. No. 1 in the first column is now under disposal. This amendment proposes to add certain words at the end of No. 1 in the first column of the schedule, which is —

'Plaint or written statement pleading a set-off or counter-claim or memorandum of appeal (not otherwise provided for in this Act) presented to any civil or revenue court except those mentioned in section 3 and in article 2 of this schedule.'

"Presumably Mr. Somasundaram Pillai wants to put his proviso after that item No. 1."

Mr. T. ARUMAINATHA PILLAI :—"May I just point out, Sir, with your permission, another circumstance so far as this amendment is concerned. If you refer to the schedule I to the present Court Fees Act, you will find the corresponding clause only at the end of the second column, i.e., 'Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be three thousand rupees.' So what my friend Mr. Ramalinga Chettiyar wants is that this amendment, whether it is to be passed or not, should come at the end. Therefore I would ask, Sir, with great respect, whether this amendment proposed to be moved by Mr. Somasundaram Pillai could not be moved at the end."

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Schedule I, Article 1—*cont.*

The Hon'ble the PRESIDENT :—" The only remark I have to make is that the amendment has not been tabled by me. It has been tabled by the honourable member Mr. Somasundaram Pillai (laughter), and it is for him to move the amendment if he wishes to do so. These amendments relating to column 1 must be disposed of before I take up the other amendments."

Mr. N. A. V. SOMASUNDARAM PILLAI :—" Mr. President, I beg to move the following amendment :—

'20. *Add the following at the end* :—" *Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be five thousand rupees.*" '

" According to the present Act, the court fee is fixed at varying rates from As. 6 as mentioned in colums 3 of schedule 1, and at the end there is a provision made to this effect : provided that the maximum fee leviable on a plaint or memorandum of appeal shall be three thousand rupees. In the present Bill this provision of maximum court fee payable is taken away and it is left to be calculated as per the table given in the schedule. You find there that the court fee payable on a valuation of between Rs. 48,000 and Rs. 50,000 is Rs. 1,762-7-0, and below that we find the provision : 'When the amount or value of the subject matter exceeds Rs. 50,000 for every Rs. 5,000 or part thereof in excess of Rs. 50,000—thirty rupees.' At the rate given in the schedule in the present Bill, the court fee payable on a valuation of Rs. 2,40,000 or so would come to Rs. 3,000. For a suit worth about Rs. 6,00,000 the court fee payable would be Rs. 5,000. When the value of the suit is over Rs. 6,00,000, then the court fee would also be increasing at the rate of Rs. 30 for every Rs. 5,000 without any limit whatever. Therefore what I beg to propose is that there should be a maximum limit of Rs. 5,000 instead of the present maximum of Rs. 3,000. Seeing that we have been raising the rates of court fees by 50 per cent or 25 per cent, I thought that Rs. 5,000 would be a reasonable amount which can be fixed as the maximum. With these words, I move my amendment and leave it in the hands of the Council."

Mr. P. Venkatasubba Rao seconded the motion.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" Mr. President, there is really no justification whatever to fix any such maximum. We are following the precedent of Bihar and in Bihar they have increased the court fees far beyond what we have done. In addition to that, I want to point out to the House one other thing. If you take the law as it at present stands, the maximum of Rs. 3,000 is attained with a suit of the value of Rs. 4,10,000. If my proposal with regard to the raising of the court fees is accepted, the maximum which is suggested in this amendment will be attained in the case of a suit of the value of about five lakhs of rupees. The total number of suits whose value is above Rs. 10,000 out of nearly 450,000 is about 571. If you take suits of the value of 4 or 5 lakhs, there will scarcely be a suit in a year. I think these suitors should pay an adequate court fee. Supposing the value of the suit is about 4 lakhs, what do you think is the fee, which ordinarily a vakil would take? It would be far more than the fee which the court fixes. I see nothing harsh in that, nor am I able to see why an adequate court fee for such heavy suits which are not very common should not be paid. As I said, there can scarcely be any doubt that such kinds of

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Schedule 1, Article 1—*cont.*

suits would be only one or two at the most in a year, and in such exceptional cases an exceptional fee is required to be levied and it ought to be paid. Therefore I object to limiting the maximum to Rs. 5,000."

Mr. T. C. SRINIVASA AYYANGAR:—"I rise to support whole-heartedly the amendment moved by my friend Mr. Somasundaram Pillai. The Hon'ble the Law Member in supporting his proposal and opposing the amendment stated that the number of suits of large pecuniary value is few and there is no reason whatever for limiting and fixing any particular amount as a maximum court fee that was payable. And he supported his arguments by drawing a comparison or contrast, whatever it is, between the vakil's fee and the court fee. The comparison or contrast has no value. While the law has limited the maximum vakil's fee to a thousand rupees, the law has also taken care to fix the maximum court fee at Rs. 3,000. What can be reasonably wanted is that the maximum court fee should now be placed at a higher figure with a view to the financial needs of the province, at a somewhat higher figure than Rs. 3,000.

4-15 p.m.

"Coming from a district which generally supplies a comparatively large number of suits of higher pecuniary value and knowing most of that class of litigants, I can certainly speak on the great difficulty to which many of the suitors would be put in coming to the court to file suits if what is proposed in the Bill is adopted. The recent trade depression has caused a great number of difficulties in their foreign trade and most of the suits now in the Ramnad district are the off-spring of the depression in Burma, the Federated Malay States, in the Straits Settlements and in the Dutch East Indies and in other places. Especially the depression in the East can be noticed in the civil judicial statistics of the Ramnad district; and it would be absolutely unfair to such suitors that have got to come to the court having lost heavily and being unable to recover their dues from their debtors who would under more prosperous conditions have paid up, if they are called upon to pay an indefinitely increasing sum of court fee calculated upon a higher rate. And I think Sir, it will be essential in the interests of the people that there must be a limit to the court fee at some stage. You will be pleased to see that it is not merely in the court fees we are adding to the burden of the litigants. The higher rate of witness batta, a higher stamp duty even on the vakalat and a host of other things add to it and I believe it will be within the knowledge of the Hon'ble the Law Member, that in the matter of litigation all these things will have to be taken into consideration. Therefore Mr. Somasundaram Pillai's proposal to limit the maximum court fee at Rs. 5,000 will not unduly trench upon the possibilities of the revenue under this head to the Government. But the amendment enhances the present maximum and fixes the maximum at the reasonably higher figure of Rs. 5,000."

Mr. T. ARUMAINATHA PILLAI:—"In this case at least I am willing to support the Hon'ble the Law Member and to oppose the amendment proposed. When a man is coming to the Court with a suit of the valuation of 5 lakhs, and is fighting for such a large amount, I do not see any reason why he should not be paying a proportionate court fee. If it is a case concerning a poor man, I can very well sympathise. But when such a rich man is concerned, he ought to be able to pay a due proportion of costs and therefore I do not believe there is any substance in the amendment. In support, therefore of the Law Member, I strongly oppose the amendment."

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Schedule I, Article 1—*cont.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I am afraid I have to oppose my honourable friend's amendment. In any case, there is some truth in the statement that lawyers are the most conservative people. They have been accustomed to regard Rs. 3,000 as the maximum which can be levied as court fees in suits and having been accustomed to that way of thinking from a long time, that is ever since they began to practice in the courts, they have begun to regard it as the *ultima thule* of levy. And I believe it was this unconscious sentiment that induced my friends to support this motion. We can very well understand amendments proposed to safeguard the interests of the poor. But I certainly do not subscribe to this tenderness towards the richer litigants. Very few persons come up to the courts with suits requiring more than Rs. 5,000 as court fees. In the case of such rich persons as have dealings in Rs. 5 lakhs and more, there is absolutely no reason why this Council should be particularly tender. In their case I do not think there would be a hardship. If the amendment is accepted the effect would be practically to deprive the State of its legitimate dues; I must therefere oppose the amendment.

"My friend, Mr. Arumainatham Pillai, thought this was a very unreasonable amendment. He has the good fortune of living in Madras and dealing with litigants here. I am aware that litigants in the city are let off cheap in the matter of court fees. This is probably why my friend was not able to appreciate a different set of circumstances, not knowing the actual difficulties of litigants in the mufassal in suits for partition. Just to give my friend on example, my friend, Mr. C. P. Ramaswami Ayyar, has just now a suit in one of the mufassal courts where the value of the suit has been placed at Rs 50,00,000. Now I ask my friends to realise the difficulties of litigants—of the richer class—in the matter of court fees. Besides, my friends should realize the effect of, such a costly court fee especially when they have to pay under the terms of the Stamp Act, in the case of a document for partition, a further court fee on the decree, which itself would come to an enormous sum. My reason for supporting this amendment is that we are already proceeding by this Bill to double the existing duties. The Rs. 3,000 has been raised to Rs 5,000, a perfectly reasonable amount. But I think that even the richer litigants ought to have some kind of relief. I only wish that we may not make litigation prohibitively costly even for these richer men. The fees in a partition suit are very high; the lawyers are costly notwithstanding their conservatism. I think that Rs. 5,000 is a reasonable sum for the cost of the officers who have to try the suits. There must be some limit somewhere; and simply because we want money we should not go and say 'pay the fee according to scale'. There must be a reasonable amount and I therefore oppose the amendment."

Mr. S. SOMASUNDARAM PILLAI:—"I am sorry to say that my friend, Mr. T. C. Srinivasa Ayyangar, has given instance of chetties who go to foreign countries and come back with large amounts. Such people should be compelled to pay a higher court fee. Mr. Ramachandra Rao gives the case of a partition suit. The object of this measure is to check that tendency to quarrel and come to a court for settling the partition between the brothers. And if the brothers still come to the court, I think, it is necessary to compel them to pay higher court fee. Of course the poor

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deserve our sympathy; but why should we support the rich who have accumulated such a large amount of money? They must be prepared to pay a large amount of money to the Government by means of court fee."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, I want also to oppose the amendment. Much has been said about the litigation fee corresponding with the work that has to be done by courts. I do not think there is any question of principle involved in this. But if it is a principle of more money for more work, then the suits by these zamindars which deal with big estates whose history must be some centuries old should take a number of months and years for being disposed of. Then would come the question of the vakils, conservative or otherwise. But, I do not know if my friend Mr. Krishnan Nayar referred to vakils old or new. Whatever it is, I do not think the vakils make any distinction as to the amounts and place any limit on the fee they get. I do not want to go to personalities; I would only say that all the three leading gentlemen that have been mentioned certainly never placed any limit to the fees they got and they would get hereafter. I am therefore for taxing the rich man. It happens only in one or two cases in every year. And as there should be more time required for the consideration of the suit, there should be more money that should be spent by the Government in the establishments and other things. I therefore do not think that there is anything wrong at all in asking the rich man who wishes to have the luxury of a litigation to pay a fee corresponding to the heaviness of the suit and their pocket. It strongly support the provision in the Bill as it is and oppose the amendment."

Rao Bahadur K. GOPALAKRISHNAYYA:—"I also rise to oppose the amendment. Some honourable members have referred to the principle involved in the amendment. I think it is not sound, but on the other hand, the principle in the original Bill, to raise the court fee according to the value of the suit is sound. My honourable friend Mr. Ramachandra Rao has referred to partition suits. Of course, partition suits are based on a different footing altogether. It may be that some stamp duty will have to be paid at the time of the decree, because one or the other of the members of the joint family would require title to his share of the property. That is a different matter altogether. As a matter of fact in partition suits generally even an ordinary person would be required to pay an additional stamp duty at the time of the passing of the decree. It is curious to say that, because a rich man has to bear a stamp duty at the time of the decree in partition suits, he should not be required to pay this court fee beyond Rs. 5,000. I think, Sir, it is bad in principle. Further, such cases may be very few. As the Hon'ble the Law Member has said, there may be one or two cases of this nature in ten or twenty years, and it is not right, I think, that the State should be deprived of this additional court fee which it would otherwise get. After all, the increase as proposed in another amendment is only Rs. 30 for any sum in excess of Rs. 5,000, and of course it is the intention of the Bill to adopt the same principle for all, and if in consequence a rich man is affected we cannot help such a state of affairs. He cannot have a proportionately greater advantage than a poor suitor. For this reason, I oppose the amendment."

4-30 p.m.

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Schedule I, Article 1—*cont.*

The Hon'ble Rai Bahadur K. Venkata Reddi Nayudu moved that the question might be put.

The motion for the closure was put and carried.

The amendment was then put to the House and lost.

Amendment 21.

The following amendment was not moved, the honourable member Mr. P. Siva Rao, against whose name it stood, not being in his seat, and it was therefore deemed to have been withdrawn :—

" 21. *Add the following as proviso* :—

' *Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be three thousand rupees.*' "

The Hon'ble the PRESIDENT :—" The honourable member Mr. Gopalakrishnayya has a number of proposals. Does he propose to move every one of them ? Of course he is entitled to do so."

Rao Bahadur K. GOPALAKRISHNAYYA :—" If you will please allow me, Sir, to move all the amendments together, I have no objection."

The Hon'ble the PRESIDENT :—" I do not know if they are all connected changes. In fairness to the House I must put definite issues before it. I think the honourable member had better take the first one and move itso that the House may see how the matter stands."

Amendment 22 (i).

Rao Bahadur K. GOPALAKRISHNAYYA :—" I beg to move the following amendment :—

' 22. (i) *In column* 1 *omit the last words* " *and in article* 2 *of this schedule.*" '

" Sir, I think hononourable members need not be alarmed at the number of amendments which I have tabled under amendment No 22, because the principle involved in all these amendments is one and the same.

" Now, the original Bill provides for two articles Nos. 1 and 2, corresponding to the tables given at the end of the schedule of *ad valorem* fees, the two tables provided in accordance with these two articles Nos. 1 and 2. Even with regard to the order of the amendments, I feel a little difficulty, Sir, because unless the other amendments are considered, the House will not be in a position to correctly determine the amendment which is tabled as No. (i) under amendment No 22. Because, my view is this : that articles 1 and 2 should be combined together ; there should be only one article. Even the original Act provides for one article. Now, the Bill seeks to provide for another article No. 2 for the purpose of suits of a small cause nature. But the principle which I wish to enunciate by my amendment is that suits up to Rs. 500 should be treated as usual under one category and should bear the same court fee as is provided for in the original Act and suits whose value exceeds Rs. 500 but does not exceed Rs. 1,000 should bear a separate rate of court fee, say 10 per cent. That is the principle involved in the various amendments which I have proposed under amendment No. 22. Even for suits whose value exceeds Rs. 1,000, I have provided for a gradation or a progressive scale, so that all these various suits of a value up to Rs. 1,000 may

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[Mr. K. Gopalakrishnayya] [13th March 1922

Schedule I, Article 1—*cont.*

be treated as suits of small cause nature and should bear only the court fee which is provided for in the Bill up to Rs. 500 and those above Rs. 500 should pay a different scale of court fee slightly higher at 1 rupee for every 10 rupees. If we take into consideration all these suits and treat them as one matter, then, Sir, there would be no necessity for these words at the end of article 1 in column 1 'and in article 2 of this schedule'; because in other amendments I propose to delete article 2 altogether without any injury being done to the principle involved in the Bill. I treat suits of a small cause nature like other suits up to Rs. 1,000 which are provided for in the Bill, so that the principle of the Bill is not jeopardised by these amendments on account of the progressive or gradation scale which is now sought to be provided for in my amendments. So the words at the end of article 1, column 1, 'and in article 2 of this schedule' are unnecessary, and therefore I move that those words may be deleted."

Rao Bahadur A. S. Krishna Rao Pantulu seconded the motion.

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Mr. President, the scheme of the amendments proposed by me to the original Act is this. I wanted to keep the original rate of taxation in so far as suits are tried as small cause suits. If they are tried as regular suits with a right of appeal, I do not see any reason why they should be exempted from paying the higher fee whatever may be their value. It is absolutely necessary to raise the *ad valorem* fee or the rate of the *ad valorem* fee, if you want to make the courts pay their way. Therefore it is, Sir, that there has been an increase of fees in smaller suits by about 25 per cent, and in the higher classes of suits or more valuable suits, of about 50 per cent on the present value. It is for the purpose of differentiating between ordinary suits and suits tried as small cause suits that this provision in article 2 of the schedule is entered. If they are omitted all the suits will be charged in exactly the same way whether they are tried as small cause suits or as ordinary suits, and the proposal of my honourable friend is to tax all suits up to Rs. 500 in exactly the same way. Now, Rs. 500 is the maximum limit of small cause jurisdiction. So far as munsifs' courts are concerned the maximum of small cause jurisdiction is Rs. 200, and above that you will have to try any suit as a regular suit with a right of appeal. They should not all pay the same fee."

Mr. N. A. V. SOMASUNDARAM PILLAI:—"It is not possible to give an opinion with regard to this proposal, that is amendment No. 22 (i) to delete the words 'and in article 2 of this schedule'. Because if this amendment is carried and the other amendments lost, we will be left in a worse position. It is therefore reasonable to consider the other amendments before we take up this amendment in column 1. Now, under the present arrangement in the Bill as now provided for and as approved by the Select Committee, so far as suits to be tried by small cause courts which have got jurisdiction up to Rs. 500 are concerned, the present court fee ought to remain. But with regard to other suits the court fee has to be raised. With a view to that effect this phrase 'in article 2 of this schedule' is added to article 1. If you take away this clause we might be left in a difficulty. Therefore, unless the Council knows as to what is to become of the court fee payable in the small cause suits and other suits, it will not be proper to have these words omitted altogether. This is what I wish to submit for the consideration of the House."

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Schedule I, Article 1—*cont.*

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I also agree with my honourable friend, Mr. Somasundaram Pillai, in thinking that we ought to consider this amendment after considering the specific proposals contained in subsequent amendments. On the present question, if we do not succeed in effecting the reduction as proposed in this or in subsequent amendments we will be in a worse position. It will be noticed that amendments 22 (ii) to (xiii) and 23 to 26 are all calculated to effect a reduction in the fees prescribed in the present Bill to a certain extent. In two cases, in 24 and 25, it will be found that the amendments are calculated to maintain the *status quo* so far as suits up to Rs. 5,000 are concerned. The amendment of which I have given notice, viz., amendment No. 23, is calculated to retain the scale up to Rs. 1,000. And the effect of the present amendments is that we remain *status quo* up to Rs. 500 only with some further modifications. It is impossible for us to come to a decision as to the effect of this amendment at this stage. Therefore, Sir, I wish to move that the consideration of this matter be taken up after amendments 22 (ii) to (xiii), and 23 to 26 are disposed of. These are all practically on the same lines and are intended to effect a reduction in the scale of fees. I therefore beg to move formally, Sir, that 'the further consideration of item 22 (i) be adjourned till after the disposal of items 22 (ii) to (xiii), and 23 to 26 on the agenda."

4-45 p.m.

Mr. T. C. SRINIVASA AYYANGAR :—" I second the motion, Sir, for annexure 1 to Schedule 1 gives the *ad valorem* rate for courts which exercise small cause jurisdiction, at page 8 of the Bill that deals with small causes. These amendments are to lie over, after the discussion relating to small causes is over, till after the amendments dealing with annexure I to schedule 1 are disposed of, viz., amendments 41, 42 and 43."

The Hon'ble the PRESIDENT :—" The honourable member who has seconded the proposal has referred to amendments different from those referred to by the honourable mover who has asked for the adjournment."

Mr. T. C. SRINIVASA AYYANGAR :—" It is substantially the same. The honourable mover, Mr. Krishna Rao, stated that the amendment of Mr. Gopalakrishnayya would have to be taken up after the disposal of the amendments relating to small cause suits."

The Hon'ble the PRESIDENT :—" Mr. Krishna Rao's motion is that the further consideration of item 22 (i) on the agenda be deferred till the House has dealt with and decided upon items 22 (ii) to (xiii) and 23 to 26. Mr. T. C. Srinivasa Ayyangar, in seconding the motion, is not bound to agree with the mover of the amendment. But the motion which will come before the House will be the mover's motion and not the seconder's."

Mr. T. C. SRINIVASA AYYANGAR :—" I withdraw my seconding, Sir."

Mr. T. ARUMAINATHA PILLAI :—" I second the motion, Sir."

Rao Bahadur K. GOPALAKRISHNAYYA :—" That is exactly the difficulty which I felt, Sir, when I moved the amendment. Column (1) deals with more or less a form only. Unless and until other amendments relating to columns 2 and 3 are considered, my amendment cannot be taken up."

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[13th March 1922

Schedule I, Article 1—*cont.*

The motion "to adjourn the further consideration of amendment 22 (i) on the agenda till after the disposal of amendments 22 (ii)-(xiii) and 23–26" was then put and carried.

Mr. T. C. SRINIVASA AYYANGAR:—"With your permission, Sir, I like to move an adjournment of the consideration of the rest of the subsidiary amendments under amendment No. 22 till after the disposal of the amendments 41 to 43. These are my reasons, Sir, for doing so. Schedule 1, column 1, No. 1 speaks of any plaint or written statement pleading a set-off or a counter-claim or memorandum of appeal (not otherwise provided for in this Act) presented to any Civil or Revenue Court except those mentioned in section 3. The words 'not otherwise provided for' cover annexure 1-A to schedule 1 where *ad valorem* fees payable for small causes up to Rs. 500 are provided. Therefore, this being otherwise provided for, this is excepted from the class of plaints or written statements pleading a set-off or counter-claim, etc., mentioned in column 1 of Schedule 1. And Mr. Gopalakrishnayya's amendments deal with schedule 1. Therefore, they come after a consideration of the rates and fees payable for either small causes or suits of a small cause nature tried as ordinary suits and therefore sought to be provided within annexure A to Schedule 1. They are to be considered and disposed of first and then it will facilitate the consideration of amendments 22 (ii) to (xiii). I therefore move, Sir,—

'That further consideration of amendments 22 (ii)–(xiii) be deferred till after the disposal of amendments 41 to 43.'"

Mr. M. SURYANARAYANA PANTULU:—"I second it."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I am sorry, Sir, that there is some confusion about the whole matter and this is the result. The other schedules to which amendments are given are really consequential upon the rates which are fixed. The other schedules to which amendments are given are merely computations in accordance with the settlement which will take place as to what the rate is to be. These schedules are handbooks for the use of practitioners to enable them to see at a glance the amount of fee payable. That really is consequential, as I said, upon the rate which we are going to fix, whether the rate is annas 6 for Rs. 5, annas 12 for Rs. 10 or any other rate. So what we have got to do is to get the rates fixed in schedule 1 under the various items or articles. Once these are settled, schedules 1-A or 1-B are merely calculations therefrom and the amounts will follow as a matter of course. What I would suggest, therefore, is to fix the rate for a small cause suit, for a suit below Rs. 500, a suit on the original side and so on. It is for the purpose of settling that that you have the motions from 22 (ii) to 26. That is why, I think, Mr. Krishna Rao moved for the adjournment of amendment 22 (i) till after we had disposed of these amendments and I think he is right. I do not think we can go on with the consequential amendments and then come back to the substantive ones. That would be reversing the process."

Mr. T. C. SRINIVASA AYYANGAR:—"I am glad to know that; I do not press my motion."

The motion was by leave withdrawn.

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Schedule I, Article 1—*cont.*

Amendment 22 (ii) *to* (xiii).

The Hon'ble the PRESIDENT :—" I think it will be convenient to take up the amendments 22 (ii) to (xiii) together. After having perused them carefully, I find that they are inter-related, that they adopt a certain principle and proceed upon it. It will be convenient for the House if the whole case is presented by the honourable member and the House will then be able to decide upon the propriety of his principle."

Rao Bahadur K. GOPALAKRISHNAYYA :—" Sir, I beg to move the following amendments :—

(ii) *In column* 3 *substitute* ' *six* ' *for* ' *eight* ' *in line* 1.

(iii) *In the same column substitute* ' *six* ' *for* ' *nine* ' *in line* 2.

(iv) *In the third paragraph column* 2 *for the words* ' *one thousand rupees* ' *substitute the words* ' *five hundred rupees* '.

(v) *In column* 3 *substitute* ' *twelve* ' *for* ' *one rupee two* ' *in line* 3.

(vi) *After the third paragraph in column* 2 *add the following paragraph* :—

" *When such amount or value exceeds five hundred rupees, for every ten rupees or part thereof in excess of five hundred rupees up to one thousand rupees.*"

(vii) *In column* 3 *opposite to the above new paragraph add* ' *One rupee* '.

(viii) *In the fourth paragraph of column* 2 *for the word* ' *five* ' *substitute the word* ' *three* '.

(ix) *In lines* 2 *and* 4 *of the fifth paragraph in column* 2 *for the word* ' *five* ' *substitute the word* ' *three* '.

(x) *In line* 5 *of the same paragraph in column* 2 *for the words* ' *ten thousand* ' *substitute the words* ' *seven thousand five hundred* '.

(xi) *In lines* 2 *and* 4 *of the sixth paragraph in column* 2 *for the words* ' *ten thousand* ' *substitute the words* ' *seven thousand five hundred* '.

(xii) *In line* 4 *of the same paragraph in column* 2 *for the word* ' *twenty* ' *substitute* ' *fifteen* '.

(xiii) *In lines* 2 *and* 4 *of the seventh paragraph in column* 2 *for the word* ' *twenty* ' *substitute* ' *fifteen* '.

" I thank you, Sir, for the suggestion. I will be able to tell the House what principle is involved in these amendments. I have already informed the House that the principle involved in these various amendments is to provide facilities for all suitors whose suits are valued at Rs. 1,000 and below so that they may pay a court fee according to the scale which is provided for in the various amendments I have tabled. The scale which I propose by means of these amendments is this. Up to suits valued at Rs. 500 I do not disturb the scale provided in the amending Bill. Items 22 (ii), (iii) and (iv) show that up to Rs. 500 I adopt the scale as is provided in article 2 in the present amending Bill, viz., 6 as., 6 as. and 12 as. Amendments 22 (iv) and (v) require that when the amount exceeds one hundred rupees and goes up to Rs. 500, I propose a rate of 12 annas for Re. 1 annas 2 as provided in the amending Bill. Amendment 22 (vi) is put down with a view to provide 10 per cent on the value of suits up to one thousand rupees. Generally, the

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Schedule I, Article 1—*cont.*

suitors who resort to courts and whose suits are valued at Rs. 1,000 are poor and the fundamental principle even in this amending Bill is that taxation should not press heavily upon the poor. That is why I give a sort of progressive scale on suits above Rs. 500. Then over and above Rs. 1,000 I follow one other principle. Item (viii) proposes—'In the fourth paragraph of column 2 *for* the word "five" *substitute* the word "three."'

5 p.m. There is a big gap between Rs. 1,000 and 5,000 as the Bill now provides, and I want to have an intermediary stage between these two classes of suits. I would therefore provide a different scale for suits up to Rs. 3,000 in my amendment. Then, as my amendments (ix) and (x) show, from Rs. 3,000 to Rs. 7,500 we have one class of suits, and there I propose to retain the same scale of fee as provided for in the Bill, that is Rs. 15. Then again, as proposed in my amendments Nos. (xi) and (xii), I provide for another intermediary stage in suits up to Rs. 15,000, between Rs. 7,500 and Rs. 20,000; that is to say, in the case of suits whose value ranges from Rs. 7,500 to Rs. 15,000, I propose to fix a fee of Rs. 22–8–0. Then, Sir, from Rs. 15,000 to 30,000 we would have another class of suits, and I propose to fix Rs. 30 in those cases according to the proposal in the Bill.

"That I think, Sir, would be the right method of giving facilities to various classes of suits whose value ranges, say, from Rs. 3,000 to Rs. 5,000, from Rs. 5,000 to Rs. 7,500, from Rs. 7,500 to Rs. 15,000 and from Rs. 15,000 to Rs. 30,000. These various amendments would not press heavily upon the poor, but would still leave the burden of taxation on the richer classes of the suitors. So that there will not be any necessity for retaining this article 2, because even these suits, which now come under article 2, will be included in the present amendment, as suits up to Rs. 1,000 would be treated as small cause suits and people who resort to the courts will have to pay only the same rate up to Rs. 1,000 irrespective of a suit being filed in a small cause court or not. Items (vii) to (xiii) are thus necessary and important amendments, and these various amendments, I think, would provide for a progressive or gradation scale of court-fees. They may be classed under one head, and as such these amendments would be voted together. I therefore move them for the acceptance of the House."

Rao Bahadur A. S. Krishna Rao Pantulu:—"Mr. President, I second this amendment. I only wish to point out that this motion may be split up under two different heads. So far as sub-clauses (ii), (iii) and (iv) are concerned, they deal with valuation of suits up to Rs. 500. That is common to this amendment as also to other amendments which have to follow and of which notices have been given. That is a question which will affect all suits, not only those instituted in small cause courts, and there is no justification whatever for increasing the scale of fees in the case of suits of such small value. But there is a divergence of opinion as to the limit to which you must allow the scale of fees to stand as they are at present. My honourable friend Mr. Gopalakrishnayya suggested Rs. 500, I suggest Rs. 1,000, another honourable member, Mr. Arumainatha Pillai, suggested Rs. 5,000, while Mr. Ramalinga Chettiyar suggested Rs. 5,000 with some slight increase for Rs. 10,000. So far as this limit is concerned, it is common to all the amendments of which notice has been given, and I would request the attention of this Council to the desirability of adopting a progressive

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Schedule I, Article 1—*cont.*

scale of increase, rather than a heavy scale of enhancement as is proposed in the present Bill. I need not again remind the Council that, notwithstanding our anxiety to increase our resources, we must not make a big jump in the matter of increasing the tax, but we must be slow and gradual, at the same time trying to realize as much as is reasonable."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Mr. President, I am afraid, Sir, that we are really playing with this Bill. Let us be quite frank; whether you are going to increase the court fees or whether you are not. If you are going to allow all these amendments, that means that you are asking us to withdraw the Bill, because the number of suits above Rs. 500 on the average is about 25,000 out of 450,000 suits. If, therefore, the original fee is going to be retained with regard to the vast bulk of the suits, there is no point in raising the fee with regard to others.

"Now, the proposal is that all suits up to Rs. 500 should have the same court-fee as before. That means, as I said, out of 450,000 suits practically all but 25,000 shall pay the same fee. If you raise it to Rs. 1,000, of course you go on diminishing the number of suits. I find that the number of suits above Rs. 500 and below Rs. 1,000 is 15,554. Now, there are proposals to take the limit up to Rs. 1,000, there are proposals to take the limit up to Rs. 3,000 and there are also proposals to take the limit up to Rs. 5,000 and retain the same standard of fee. That means you are not going to give any enhancement of revenue whatsoever. If that is to be the attitude of the Council, by all means say so. There is no use of having these amendments, saying poorer litigants should pay less and richer litigants should pay more."

Rao Bahadur K. GOPALAKRISHNAYYA (*interrupting*):—"The present amendment is only up to Rs. 1,000 and not up to Rs. 4,000 or Rs. 5,000."

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*continuing*):—"I was dealing with suits exceeding Rs. 500 in value. They are only about 25,000 of the 450,000 suits, or thereabouts. The case is worse if the limit is raised to Rs. 1,000 or above."

Mr. B. MUNISWAMI NAYUDU (*interrupting*):—"Sir, I find the figure 5 lakhs here. I also find that Rs. 12,88,713 is given as the value of suits. I want to know, Sir, whether the 5 lakhs represent the number of suits or the value of the suits."

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*continuing*):—"The number of suits is 5 lakhs. The value of suits of higher denominations is sure to be larger in proportion to their number. But it would not be enough for the purpose of covering the deficit which we want to cover. The proposal which I have made and which is much more modest than the proposals made in other provinces is to increase the *ad valorem* fee by about 50 per cent, and that 50 per cent, as you will find, stops with Rs. 20,000. With regard to higher denominations of suits we are not increasing the rate. In this connexion it may be useful if I read to the House from the Behar Bill. I take some figures at random. In Behar, suits between the value of Rs. 28,000 and Rs. 29,000 pay a fee of Rs. 1,725, while according to our proposals, if the suits are between Rs. 48,000 and Rs. 50,000, they will have to pay Rs. 1,762, or very nearly the same figure while, for the same in Behar they will have to pay Rs. 2,775.

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You must remember that the *ad valorem* rate is not increased after Rs. 20,000 in this province, while in Behar it goes on increasing, so that when you come to about 5 lakhs of rupees, the *ad valorem* fee there is Rs. 20,975, while we will have to pay about Rs. 5,000. Then, Sir, there it goes on increasing with regard to higher denominations till finally you have got a figure of Rs. 50,000 to which the Hon'ble the Finance Member drew attention with some envy. I have therefore, Sir, to object to these proposals for reduction, although they may be in the case of these small suits. I want the House to remember this. These suits, although they are of the value of Rs. 500 and less, include not merely money suits but they include land suits as well. From what I said this morning it will be clear that a land suit which is valued at Rs. 500 and which yields an income of Rs 7,000 and therefore ought to be valued at Rs. 1,50,000, if it is going to escape even the 50 per cent excess, I would respectfully submit to the House that it is not playing fair with regard to this Act.

"Now, Sir, I have retained the same fee as before with regard to cases tried in small cause courts. When you come to a trial of the suit as a regular suit, I am not able to see any difference between that suit, so far as the fee is concerned, and any other suit which is tried regularly. But if it is a small cause suit, then it is disposed of more quickly or summarily, and therefore it is that I have retained this distinction. In most of these cases, i.e., up to Rs. 200, if they are for money or movables, they are tried as small causes by the munsifs. If tried as a regular suit there are two advantages. You can file an appeal against any decision in a suit, whether its value is Rs. 200 or less, if it is tried as a regular suit; but if it is tried as a small cause, it is tried summarily and you have not the right of appeal. I have therefore distinguished between cases where a suit is tried as a small cause and where the suit is tried as a regular suit.

"There is one other point. I have already stated that of the vast bulk of these suits, it is only about 25,000 suits of all denominations that are for immovable property; and the largest number of the rest are triable as small causes, and are so tried. The vast bulk of cases therefore would not pay more than what they have been paying till now."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"I have also given notice of a motion not in the same words as Mr. Gopalakrishnayya, but with a view to revise some of the fees that are prescribed in article 1. When I gave notice of these motions I did not see the statistics with regard to these suits. Now I fear that I probably went a little further than I should have done. I think up to Rs. 5,000 the fees should not be raised. But I will not press so far. I think, Sir, up to at least a thousand rupees the rates should not be increased. The scheme of the Court Fees Act is not what it is in other cases of taxation. In other cases the person who is taxed heavily is the person who has got the large income. But the Court Fees Act instead of being progressive is regressive as we go to higher figures. That is to say where the percentage of court fees on one thousand is 7½ per cent the charge above one thousand is 5 per cent according to the present Act. So it works very great hardship on the poor people who have to pay ultimately the costs of the suits. We will not be justified in increasing the rates which the poor people have got to pay very

5-15 p.m.

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Schedule I, Article 1—*cont.*

much in excess of the requirements of the moment. If the fee of the poorer men were increased from $7\frac{1}{2}$ to $11\frac{1}{4}$ per cent, I fear that it will work very heavily on them and I want relief for these poor people. You may at least ask them to pay as much as those who have to pay for the higher amounts. You should put them on the same basis as those who will have to pay on amounts above a thousand. So far as amounts up to one thousand are concerned I will press that the present levy be continued and that above that amount the change proposed in this Bill might take effect. By doing so we will be putting the poorer men in the same position as the richer men. Let both of them, poor men and rich men, go together. For these reasons, Sir, I support that portion of the amendment which relates to all items up to Rs. 1,000."

Mr. T. ARUMAINATHA PILLAI :—" I have also given notice of an amendment to reduce the rate. The reason why I fixed the maximum at five thousand rupees is this. So far as the suits involving a valuation of Rs. 5,000 and below are concerned they are allowed to have a second appeal, and those above 5,000 have got only one right of appeal. So it is only with that idea that I fixed the rate at Rs. 5,000. So far as these suits the statistics of which were given by the Hon'ble the Law Member, they come to about 25,000. It is not the same rate that we are paying. For by the method of assessment we have increased the rate from 5 to 10 and from 10 to 20 and therefore, Sir, so far as these 25,000 suits are concerned there is already an increase by twice that rate. It is only so far as the money suits are concerned that up to 500 rupees there will be the old rates. For the very reasons which were given by my friend Mr. Ramalinga Chettiyar these poor men ought not to pay a very large amount on account of the fact that this Government is not able to meet the deficit. It might be true that even if the maximum is raised to five thousand rupees the Government will not be able to meet the deficit which it has created for itself. But along with that you have to take into consideration the position of the poor litigants that have to go to courts. If their position were to be considered it is but necessary that some sort of consideration ought to be given them. I therefore support the amendment moved by my friend Mr. Gopalakrishnayya."

Diwan Bahadur R. VENKATARATNAM NAYUDU :—" I move that the question be now put."

The motion that the question be put was then put and carried.

Amendment 22 (ii) to (xiii) was then put and lost.

Consequently the following amendments were not moved and were therefore deemed to have been withdrawn :—

Amendment 23.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

" 23. (i) *For* the first three sentences in column 2, *substitute* the following :—

'When such amount or value does not exceed one thousand rupees, for every ten rupees or part thereof.'

(ii) In column 3 *omit* 'Eight annas,' 'Nine annas' and 'One rupee two annas' and *substitute* therefor 'Twelve annas.'"

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[13th March 1922

Schedule I, Article 1—*cont.*

Amendment 24.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—

" 24. (i) In the column entitled 'Proper fee' *for* the first item, viz., 'Eight annas', *substitute* 'Six annas'.

(ii) In the same column *for* the second item, viz., 'Nine annas,' *substitute* 'Six annas'.

(iii) In the same column *for* the third item, viz., 'One rupee two annas,' *substitute* 'Twelve annas'.

(iv) In the same column *for* the fourth item, viz., 'Seven rupees eight annas' *substitute* 'Five rupees'.

(v) In the same column *for* the fifth item, viz., 'Fifteen rupees', *substitute* 'Twelve rupees eight annas'."

Amendment 25.

Mr. T. ARUMAINATHA PILLAI :—

" 25. Under the column 'Proper fee' *omit* the words 'Eight', 'Nine', 'One rupee two' and 'Seven rupees eight annas' and *substitute* the following words respectively : 'Six', 'Six', 'Twelve' and 'Five rupees'."

[If the above amendment is carried, make the necessary alterations in the table of rates (*b*) at page 9.]

Amendment 26.

The following motion standing in the name of Mr. P. Siva Rao was not moved and was therefore deemed to have been withdrawn :—

" 26. Reduce the proper fee prescribed in column 3 by $12\frac{1}{2}$ per cent and make corresponding consequential alterations throughout the schedule."

Owing to the result of the other motions, the following motion of Mr. K. Gopalakrishnayya, the consideration of which was adjourned, was also not moved and deemed to have been withdrawn :—

" 22. (i) *In column* 1 *omit the last words* 'and *in article* 2 *of this schedule*".

The Council then adjourned at 5–25 p.m. to meet at 11 a.m. on Tuesday the 14th March 1922.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

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The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Tuesday the 14th day of March 1922, the Hon'ble Diwan Bahadur Sir P. Rajagopala Achariyar Avargal, K.C.S.I., C.I.E., President, presiding.

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No.* 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Sub-registrars.

1365 *Q.*—Mr. A. D. M. BAVOTTI SAHIB : With reference to the question 1212 (*a*), (*b*) & (*d*) regarding sub-registrars put by me, and the reply given on 21st January 1922, will the Hon'ble the Minister for Education (Registration) be pleased to state whether the information called for has been received from the Inspector-General, and, if so, to lay the same on the table?

A.—Yes; a statement containing the information is laid on the table.*

Communal representation in the Upper grade sub-registrars in Malabar.

1366 *Q.*—Mr. A. D. M. BAVOTTI SAHIB : Will the Hon'ble the Minister for Education (Registration) be pleased to state—

(*a*) how many sub-registrars there are at present in the upper grade in the district of Malabar;

(*b*) among them how many are Hindus, Muhammadans and Christians; and

(*c*) whether among the Mappilla sub-registrars there is any one in the upper grade?

A.—The Member is referred to the list of officers published.

Relief work in Malabar.

1367 *Q.*—Mr. K. P. GOPALA MENON : Will the Hon'ble the Home Member be pleased to state what specific relief the Government have given or propose to give to the distressed inhabitants in the taluks affected by the Mappilla outbreak in Malabar—

(*a*) by way of compensation;
(*b*) by way of temporary help; and
(*c*) by way of remission of Government dues?

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* Vide Appendix on page 2811 infra.

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A.—(*a*) The Government are advised that the State is under no legal obligation to compensate private persons for losses incurred as a result of the rebellion. They are however prepared as a matter of grace to assist persons who have incurred such losses in the reconstruction of their affairs. The proceeds of all magisterial and judicial fines imposed on rebels are being ear-marked for the purpose. Should it be found possible and expedient to impose a fine under section 9 of the Mappilla Outrages Act, 1859, the first charge upon the amount levied will be the compensation of persons who have suffered. The question of imposing such a fine is now under examination.

(*b*) Temporary relief is being afforded under a scheme drawn up under the Agriculturists Loans Act. The details of the scheme are contained in G.O. No. 173, Public, dated 23rd February 1922, which has been laid on the editors' table.

(*c*) It has been found that there is no need for any general remission of Government dues. Orders have been issued that the collection of revenue should proceed as far as possible, but that no distraint should be carried out without the orders of the Revenue Divisional Officer who should satisfy himself that the case is not one in which a suspension of the collection is called for.

Committee to enquire into the distressed condition of Mappilla women and children.

1368 *Q.*—Mr. T. C. Tangavelu Pillai: Will the Hon'ble the Home Member be pleased

(i) to state—

(*a*) whether the Committee appointed to report on the distressed condition of Mappilla women and children have submitted their report;

(*b*) if so, whether the Government will be pleased to lay it on the table; and

(*c*) the places visited by the members of the said Committee and the number of witnesses examined; and

(ii) to lay on the table the evidence recorded by the Committee?

A.—The Committee was appointed by the Special Commissioner for Malabar Affairs with the object of eliciting information to help the local relief committee. It has submitted no report to the Government, but the Government understand that the Special Commissioner has communicated the purport of its findings to the local relief committee for such action as may be necessary. The Government are not in a position to lay papers on the table, but they understand that the Committee visited twenty-five places and examined eighty-two witnesses.

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14th March 1922]

APPENDIX.

[Vide answer to question No. 1365 asked by Mr. A. D. M. Bavotti Sahib at the meeting of the Legislative Council held on the 14th March 1922, page 2809 supra.]

Statement showing the number of Matriculates and School Final men appointed as sub-registrars during 1910–21.

Year.	Hindus.	Muhammadans.	Christians.	Total.
1910	3	..	..	3
1911	2	..	..	2
1912	3 *	..	..	3
1913	7 †	4 †	1	12
1914	3	1	..	4
1915	6	1	..	7
1916	1	1	..	2
1917	2	..	..	2
1918	2 *	3	1 ‡	6
1919	4	1	..	5
1920	17	9	2	28
1921	13	6 *	3	22
Total ..	63	26	7	96

* Includes one unpassed exempted. † Includes three unpassed exempted.

‡ Unpassed exempted.

Of these, 32 are clerks promoted as sub-registrars.

2. No Kammala Matriculate or School Final man was appointed as sub-registrar or probationary sub-registrar during the period 1910–21.

II

A BILL TO AMEND THE COURT FEES ACT, 1870.

The Council then resumed consideration of the Bill to amend the Court Fees Act, 1870.

SCHEDULE I, ARTICLE 2.

Amendment 27.

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Sir, I move—

'27. *In column* 1 *substitute the words " when the claim is of a small cause nature and does not exceed Rs.* 500 " *for the words " in the exercise of small cause jurisdiction "*.'

" The effect of this amendment will be to extend the scope of article 2 of schedule I. As it is, the present Bill proposes to give the benefit of the old rate of court fees regarding suits that are instituted in courts of small causes. The scope of my amendment is that suits of small cause nature, whether they be instituted in courts of original jurisdiction or of small cause jurisdiction, shall have the benefit of this lower scale of court fees. From the information given at page 13 of the statistics of civil courts for the year 1920, the number of suits of the value of Rs. 500 and below instituted in all the courts except the village courts is about 330,000. Out of these, the Bill as it stands proposes to exclude 233,669 cases, i.e., small cause suits instituted in munsifs' courts, courts of special small causes and sudordinate judges' courts. At page 4, paragraph 10, it is given that the number of small cause suits instituted in munsifs' courts is 195,415. At page 4 at the bottom

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Schedule I, Article 2—*cont.*

against special small cause courts, the figure is 13,415. Again, at page 5, paragraph 12, small cause suits instituted in subordinate judges' courts number 24,652. The total of these figures comes up to 233,669. Thus we see that the number of those suits below Rs. 500 and which do not come under small cause jurisdiction is about 96,000. All these suits will not be of small cause nature. My amendment proposes that a portion of these 96,000 suits also may come under the purview of article 2 as suits of small cause nature. From the statistics I am not able definitely to ascertain how many of these suits will be really suits of small cause nature. The reason of excluding suits of small cause nature from higher stamp duty is that they do not occupy much time of the court, and it is only owing to accident in some cases that the plaintiff has to pay heavier stamp duty, because the subordinate court is not established in the place or because the presiding district munsif has got jurisdiction to try small cause suits only up to the value of Rs. 100. As the principle is simply to give relief to smaller litigants—that principle has already been conceded in a way—I hope the Council will have no difficulty to accept this amendment. With these words I commend the amendment for the acceptance of the House."

Mr. M. SURYANARAYANA PANTULU :—" Sir, I second the amendment. The reason why I rise to second this amendment is that I have also given notice of an amendment which has for its principle the same as the one now proposed by Mr. Narasimha Raju has. I submit, Sir, that very anomalous consequences follow the present arrangement. Article 2 of the present Bill gives the right of lesser court fee only in respect of suits instituted in small cause courts. We know that certain district munsifs are empowered to try suits of small cause nature only up to Rs. 100, and certain others up to Rs. 200, and where there are subordinate courts, they try suits of small cause nature up to Rs. 500. The anomaly that arises is in this way: there will be a differential treatment accorded to litigants in the same district as also in different districts. Take, for instance, the Vizagapatam district. We have got a Subordinate Judge's Court at Vizagapatam whose pecuniary jurisdiction in respect of small cause suits is Rs. 500, but that is confined only to the taluk of Vizagapatam. But so far as the District Munsif's Court of Vizagapatam is concerned it excludes the taluk of Vizagapatam. Suits above Rs. 500 from other places of this munsif will have to go before the District Munsif's Court, and the court fee payable will be $11\frac{1}{4}$ per cent as in article 1. But in so far as suits of the value of Rs. 500 and below are concerned and arising out of the taluk of Vizagapatam, they will be liable to a court fee of $7\frac{1}{2}$ per cent. Again, take the District Munsif's Court of Vizianagram which adjoins the district of Vizagapatam and is only 36 miles distant from it. It has jurisdiction up to Rs. 200, whereas the District Munsif's Court at Razam has got jurisdiction only up to Rs. 100.

" The result of such an arrangement will be that whereas some litigants in the same district will have their suits above Rs. 100 and below Rs. 200 tried as original suits, thereby being obliged to pay court fee at the enhanced rate of $11\frac{1}{4}$ per cent, some other litigants in the Vizagapatam and other munsifs' courts, where the munsifs are invested with extended small cause powers up to Rs. 200, will have their suits only above Rs. 200 classed as original suits for which additional fee has to be given. So far as Vizagapatam taluk is concerned on all suits to recover Rs. 500 and below, court fee of only $7\frac{1}{2}$ per cent has to be paid. It is only

11-15 a.m.

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14th March 1922] [Mr. M. Suryanarayana Pantulu]

Schedule I, Article 2—*cont.*

suits above the value of Rs. 200 that will have to pay the enhanced rate of court fees. I have no doubt, Sir, there will be several other districts in the whole Presidency where such an anomaly occurs. I ask whether it is just and equitable that litigants who have to go to courts for small sums of money below Rs. 500 should be dealt with so differently in different taluks and in different districts. In the course of his observation yesterday, the Hon'ble the Law Member was telling us that in the case of suits which are instituted on the original side, the party will have the benefit of an appeal, but in the case of suits tried on the small cause side, he will not have the benefit of an appeal. I ask whether this luxury of an appeal should make all this difference. If there is an appeal, surely article 2 of the present Act does not cover cases of appeal also. If a party is not satisfied with the decision of a district munsif in a suit between Rs. 100 and Rs. 500, he prefers an appeal, and he will have to pay court fees according to the scale provided in article 1 and not according to the scale provided in article 2, namely, reduced court fees. It seems to me therefore, Sir, that the mere fact that an appeal is allowed ought not to make this difference, and suitors below Rs. 500 ought to have a concessional rate of $7\frac{1}{2}$ per cent allowed to them wherever their suits are instituted, whether they are in a small cause court or in a court of original jurisdiction or elsewhere."

The Hon'ble Mr. K. Srinivasa Ayyangar :—" Sir, I explained at some length when we were discussing article 1 and the various amendments thereto as to the position taken by the Government with regard to these matters. If there is any logic at all as to the imposition of a court fee, it should depend upon the quantity of time which is taken by a particular court in the trial of a suit. I explained yesterday that if a suit which would be tried as a small cause in a particular court is tried in its ordinary jurisdiction in another court, the regular mode of taking evidence and various other matters which have to be adopted in the trial of an original suit has to be adopted in these suits also: the provision for retaining the original court fee with regard to cases tried on the small cause side is because of the fact that they are tried summarily with a memorandum of evidence taken by the judge and because there is no appeal from it. But with regard to other suits, as they are to be tried as regular suits—though the value of the suit may be Rs. 200 or Rs. 300—the same process of prolonged inquiry has to be undertaken by the courts. That is the reason, Sir, for levying the same kind of duty where the suit is tried on the regular side. My amendments have carried out that scheme in articles 1 and 2. I have explained my position already.

" There is one further point which has to be noted. If the amendment is left as it is, the result will be this: you have to pay on the same suit a higher court fee when there is an appeal and a lower court fee on the plaint. Article 2 relates to a plaint or written statement pleading a set-off or counter-claim presented to a court outside the Presidency town in the exercise of small cause jurisdiction. No provision for appeal was made here because there cannot be an appeal in this class of case. If we introduce an amendment such as the one proposed by the honourable member Mr. Narasimha Raju, or Mr. Suryanarayana Pantulu, the result of it will be that with regard to appeals you will still be governed by article 1. Such a state of things is anomalous, and logic requires that the Council which has voted for the retention of article 1 should not allow this amendment to go forward."

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Schedule I, Article 2—*cont.*

Mr. N. A. V. SOMASUNDARAM PILLAI :—"I rise to support the amendment before the House. It is a very reasonable amendment and it necessarily follows from the consideration which the Hon'ble the Law Member has had in respect of small cause suits which are generally filed by poor litigants. The present provision is that the same uniform court fee is payable for all such suits. Now a difference is sought to be made with regard to small cause suits and other suits. A new provision is now found with regard to suits filed in a court outside the presidency town in the exercise of small cause jurisdiction, and that is we have to pay the lower fee. As a matter of fact we see in some area there are no small cause courts which have got jurisdiction up to Rs. 500. As stated by the honourable member Mr. Suryanarayana Pantulu, there are courts where small cause suits can be instituted only up to Rs. 100 or Rs. 200 because the Government have not been in a position to establish small cause courts which can entertain suits up to Rs. 500. For the fault of the Government the litigant, under the present law as amended, is obliged to pay a higher court fee. There is absolutely no reason at all for compelling such a litigant in an area where there is no sub-court provided to pay a higher court fee with regard to suits which would ordinarily be filed in small cause courts. So far as the district of Tinnevelly is concerned there is no such difficulty, because there is one sub-court at Tinnevelly and another at Tuticorin and the whole area lies within the jurisdiction of either the one or the other."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I believe, Sir, there is a sub-court now in all the districts and more than one in some districts."

Mr. N. A. V. SOMASUNDARAM PILLAI :—"With regard to suits of a small cause nature, no doubt the party has to pay a lower court fee if they are filed in small cause courts. If the suit is filed and tried as a small cause one, there is no appeal ; but in suits of small cause nature which are filed on the original side in a munsif's court, there is no doubt only one appeal lies and there is no second appeal. With regard to such suits if the plaintiff or the defendant want to prefer an appeal, by all means let him pay a higher court fee as provided in clause 1. But so far as suits in which the party has no other option than to file as original suits, then I fail to see any reason why he should be compelled to pay a higher court fee. For these reasons I beg to submit that the amendment is a very reasonable one, and that it will avoid the hardship which would otherwise be felt by poor litigants who have to file suits below Rs. 500 and who cannot find a court wherein they could file the suits as small causes."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, I also rise to support the amendment that is proposed. An attempt is here made to avoid an anomaly that exists with regard to the present arrangements. What is now contained in article 2 is that on suits for money which are of a small cause nature which are filed in small cause courts, the same court fee has to be paid as at present. As the article stands at present there is this anomaly that court fee will be paid at different rates on the same sort of suits according to the courts in which they are filed, because by the act of the Government, parties are forced to take their suits to different courts. Now this amendment seeks to remove that anomaly and the amendment proposes that for the same nature of suits the same court fees ought to be levied,

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14th March 1922] [Mr. T. A. Ramalinga Chettiyar]

Schedule I, Article 2—*cont.*

whatever the form in which the client is obliged to bring his suit. I think that no more justifiable or equitable arrangement can be suggested. The Hon'ble the Law Member stated that there was a difficulty because the client will have to pay a lower court fee for suits than for appeals. There is one answer to that difficulty and that is there is already in article 2, plaint or written statement.

"Is there any serious objection for adding the 'memorandum of appeal'? The mere fact that the words 'memorandum of appeal' are added would not give a right of appeal in suits where there is no such right. Now, for instance, if we have this, 'plaint or written statement . . . small cause jurisdiction or any memorandum of appeal thereon,' then I do not think this by itself will give a right of appeal in suits in which there is no right of appeal under the statute. That will not alter the position in any way. The suggestion was made by the honourable member Mr. N. A. V. Somasundaram Pillai, namely, that even if the fee for an appeal is going to be higher, that is no reason why a higher fee should be levied on plaints and written statements also. The object of the amendment is a very equitable one and it is only to remedy the anomaly that will come into existence, namely, that parties will be obliged to pay different rate of court fees on suits of the same nature on account of the fact that the Government have not provided for the same class of courts in all places, that the present amendment is now proposed. As has been pointed out, there are small cause courts with small cause jurisdiction only up to Rs. 50 and there suits of the value of more than Rs. 50 have to be filed on the original side. Again, there are other courts where the suits of the value of more than Rs. 100 and below Rs. 200 have to be filed as small cause suits. Again there are sub-courts which exercise small cause jurisdiction up to Rs. 500. It is an anomaly that different courts in different parts of the Presidency are invested with different kinds of jurisdiction over the same nature of suits. Again, there are some courts where a junior munsif is posted and he has got small cause jurisdiction only up to Rs. 50. Some two or three months later some senior munsif is posted there and he is invested with extended small cause powers. Is it because the Government chooses to post different persons that the client is to be obliged to pay a higher court fee? I think that sort of anomaly ought to be avoided and I therefore strongly support the amendment."

Rao Bahadur C. V. S. Narasimha Raju:—"It has been said that there will be an anomaly between suits instituted in the munsifs' courts and the appeals thereon regarding the stamp duty paid. It has already been suggested by the seconder of the amendment that there is that difference. We should take into consideration the fact that out of 96,000 suits, appeals have been preferred to the sub-courts and district courts only in the case of 13,507 and the proportion is only one in seven. It may be remembered that the percentage of appeals that are successful is only 20 or 30 per cent. So the majority of such appeals are frivolous. The extra rate was defended on the ground of the difference in trial of such cases as original suits. But we have to take into consideration the fact that the real time that will be occupied in trying these suits is very small indeed. It is a matter of common experience that all suits below Rs. 500, though they are tried as original suits, do not occupy much of the time of the courts. Therefore, for these reasons I feel convinced that the amendment should not be thrown out: the anomaly will be very small; it will place the litigants of

11-30 a.m.

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[Mr. C. V. S. Narasimha Raju] [14th March 1922

Schedule I, Article 2—*cont.*

the same nature on the same footing regarding the payment of court fees. I do hope the Council will accept the amendment proposed by me."

The Hon'ble Sir LIONEL DAVIDSON :—"If I am permitted, I want to say, Sir, that if the substance of the amendment is carried, some revision of the wording may be necessary."

The Hon'ble the PRESIDENT :—"I cannot now allow any change. Has the Hon'ble the Law Member anything to say in reply?"

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"Mr. President, I have explained my position in answer to the motion which was made. I now find that Mr. C. V. S. Narasimha Raju does not object to have a higher fee for appeal. During the course of the debate I pointed out that there is more than one sub-court in almost every district; and the question of being obliged to file a regular suit would not practically arise. It is not the case that litigants will be compelled to file suits in district munsifs' courts for want of a court exercising small cause jurisdiction up to Rs. 500. Something was said about the jurisdiction of new munsifs. That is just the reason why the privilege is given to have small causes tried as an original suit by these munsifs with a right of appeal to the superior court. It is only experienced judges that can safely be entrusted with small cause jurisdiction in suits of comparatively large value. It requires a good deal of experience to judge cases of this sort and that is why jurisdiction is limited in the case of new munsifs. It is for the protection of the litigant that this is done and to the extent the litigant gets protection he must pay.

"If, however, the House is willing to accept the amendment I will suggest a different wording. Instead of the present amendment I will suggest the following: 'in any suit of the nature cognizable by courts of small causes when the amount or value of the subject matter does not exceed Rs. 500.' I have followed the wording of the Civil Procedure Code. If somebody would propose it I shall accept. I do not want to propose it myself."

The Hon'ble the PRESIDENT :—"The proper course will be to put this amendment to vote first. If the Government want to alter the wording, they can propose that at a later stage. I cannot deal with conditional amendments at any stage."

On the motion of Mr. C. V. S. Narasimha Raju a poll was taken with the following result :—

Ayes.

1. Rao Bahadur K. Gopalakrishnayya.
2. Mr. S. T. Shunmukham Pillai.
3. Rao Bahadur T. A. Ramalinga Chettiyar.
4. Mr C. Ramalinga Reddi.
5. Mr. O. Tanikachala Chettiyar.
6. Mr. K. A. Kandaswami Kandar.
7. Mr. J. Kuppuswami.
8. Mr. B. Muniswami Nayudu.
9. Mr. A. T. Muttukumaraswami Chettiyar.
10. Mr. V. Pakkiriswami Pillai.
11. Rao Bahadur A. Ramayya Punja.
12. Mr. W. P. A. Saundara Pandia Nadar.
13. Mr. N. A. V. Somasundaram Pillai.
14. Mr. S. Somasundaram Pillai.
15. Mr. P. Subbarayan.
16. Mr. V. C. Vellingiri Gounder.
17. Mr. K. C. Venkatachala Reddiyar.
18. Mr. C. Venkata Ranga Reddi.
19. Mr. P. Venkatasubba Rao.
20. Diwan Bahadur M. Ramachandra Rao Pantulu.
21. Diwan Bahadur M. Krishna Nayar.
22. Rao Bahadur A. S. Krishna Rao Pantulu.
23. Mr. S. Muttumanicka Achari.
24. Rao Bahadur C. V. S. Narasimha Raju.
25. ,, Dr. C. B. Rama Rao.
26. Mr. A. Ranganatha Mudaliyar.
27. Mr. T. Sivasankaram Pillai.
28. Mr. M. Suryanarayana Pantulu.
29. Mr. T. Arumainatha Pillai.
30. Rai Bahadur T. M. Narasimhacharlu.
31. Ahmed Miran Sahib Bahadur.
32. Saiyid Diwan Abdul Razaaq Sahib Bahadur.
33. Rao Sahib P. Venkatarangayya.

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Schedule I, Article 2—*cont.*

Noes.

1. The Hon'ble Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, Mr. P. Ramarayaningar.
6. ,, Rai Bahadur K. Venkata Reddi Nayudu.
7. ,, Rao Bahadur A. P. Patro.
8. Mr. C. P. Ramaswami Ayyar.
9. Mr. F. J. Richards.
10. Mr. C. W. E. Cotton.
11. Mr. R. Littlehailes.
12. Mr. E. Periyanayagam.
13. Mr. R. K. Shanmukham Chettiyar.
14. Mr. A. Ramaswami Mudaliyar.
15. Mr. R. Appaswami Nayudu.
16. Rao Bahadur V. Appaswami Vandayar.
17. Rao Bahadur P. C. Etirajulu Nayudu.
18. Mr. T. E. Moir.

The amendment was carried, 33 having voted *for* and 18 *against.*

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" Sir, I move the following amendment :—

Substitute 'in any suit of the nature cognizable by courts of small causes when the amount or value of the subject-matter does not exceed Rs. 500' for the words 'when the claim is of a small cause nature and does not exceed Rs. 500'."

Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The motion was carried.

Amendments 28 and 29.

The following amendments were not moved and were therefore deemed to have been withdrawn :—

Mr. M. SURYANARAYANA PANTULU :—

" *28.* In column 1 omit the words after 'in' and substitute the words 'all claims of a nature cognizable by a court of small causes, whether filed in a court of small causes or not'."

Rao Bahadur K. GOPALAKRISHNAYYA :—

" *29.* Omit the whole article and re-number the subsequent articles."

SCHEDULE I, ARTICLE 6.

Amendment 30.

Rao Bahadur A. S. KRISHNA RAO PANTULU then moved the following amendment standing against his name :—

" 30. *In column 3 substitute 'one rupee' for 'one rupee eight annas'.*"

In doing so, he said :—" I have only to point out that in the Bill as originally introduced the fee for a 'copy or translation of a judgment or order not being or having the force of a decree' was only one rupee and the object of my present amendment is to restore the original figure. The Select Committee has raised it from one rupee to one rupee eight annas and has given no reason for the alteration. I have not been able to find any justification for the increased fee and I wish to suggest the restoration of the original figure."

Rai Bahadur T. M. NARASIMHACHARLU :—" I second it."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" You will see in the original Act the proper fee was 4 annas, 8 annas and Re. 1. We raised it by 50 per cent, that it is now 6 annas, 8 annas,

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Schedule I, Article 6—*cont.*

Rs. 1–8–0. But this 8 annas was dropped out in the hurry of drafting and we have restored it. There is nothing wrong about it. I want to mention this, Sir, because my honourable friend the Finance Member is always looking at the Bihar Bill and envying that Province as compared with Madras. That is to some extent the fault of the Law Member here obstructing him, and I do not want the Council to obstruct him still more, seeing that we have framed the Bill on lines which would not hurt the litigant public more than is necessary. I make this appeal to the House because there are a number of items, and when we say Re. 1 some honourable member wants to reduce it by a few pies, and so on; Sir, it is necessary that there should be some finality in the matter."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, the object of the Bill is to provide funds which are otherwise lacking. I do not think there is any harm in fixing the fee at Rs. 1–8–0 instead of Re. 1. The chances are that in many suits there will be no High Court judgments filed at all. So I do not think this will work as a hardship."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I do not press it."

Mr. T. SIVASANKARAM PILLAI:—"I rise to a point of order. I have given notice of an amendment which is numbered as 32 on the agenda. My amendment should properly come after No. 6 and not after No. 8 as it is put on the agenda. There is some mistake. 8-A ought to be 6-A."

The Hon'ble the PRESIDENT:—"Has the honourable member made the mistake or anybody else?"

Mr. T. SIVASANKARAM PILLAI:—"I myself made the mistake."

The Hon'ble the PRESIDENT:—"I shall deal with it in due course."

SCHEDULE I, ARTICLE 7.

Amendment 31.

Rao Bahadur K. GOPALAKRISHNAYYA:—"I beg to move the following amendment:—

'31. *In column 3 for the words "Four rupees" against item (b) substitute "Two rupees".*'

"Sir, it is stated that for every copy of a decree or order having the force of a decree, when such decree or order is passed by a High Court, the fee is Rs. 4. I want to move that this be changed to Rs. 2. Because there are certain cases where a decree of the High Court may be valued at Rs. 4 especially when the litigants are rich and the litigation is heavy. But, as we have seen, there will be some cases where revision petitions may be filed in the High Court. So if a copy of the order passed by the High Court in revision proceedings has to be obtained, parties have to pay Rs. 4 as the amendment now stands. I therefore move that it be changed to Rs. 4. In the cases I have narrated it will be rather difficult for the litigants to pay Rs. 4 when they seek to obtain copies of mere orders passed by the High Court. So Rs. 2 will be more reasonable than Rs. 4."

Mr. B. P. Devarajulu Nayudu seconded the amendment.

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"May I point out, Sir, that I have not raised the fee? It was so in the original Act. This motion means that we are to reduce a fee to something less than what it was in the

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14th March 1922] [Mr. K. Srinivasa Ayyangar]

Schedule I, Article 7—*cont.*

original Act. The original fee was As. 8, Re. 1, Rs. 4. I am strongly opposed to the amendment. On the other hand, in Behar, they have raised every item by 50 per cent. This is another instance of my moderation."

Rao Bahadur K. GOPALAKRISHNAYYA:—"I should like to ask the Hon'ble the Law Member where exactly in the original Act Rs. 4 was provided."

The Hon'ble the Law Member then read out the portion referred to in the original Act, and the honourable member agreed to withdraw the motion.

The motion was by leave withdrawn.

Amendment 32.

Mr. T. SIVASANKARAM PILLAI:—"I beg to move the following amendment:—

'32. *After No.* 6 *add the following*:—"6-*A. Copy of judgment under the Code of Criminal Procedure or of a Revenue Court—Eight annas.*"'

"Sir, there are certain kinds of documents which are declared liable to stamp duty when they are accepted as documentary evidence in courts of justice. These documents are referred to in articles 6 to 9 of the Bill. Copy or translation of a judgment or order, not being or having the force o a decree, is one kind of document. Copy of a decree or order, having the force of a decree, is another kind. Copy of any document liable to stamp duty under the Indian Stamp Act, 1899, when left by any party to a suit or proceeding in place of the original withdrawn is the third kind. The fourth is copy of any revenue or judicial proceeding or order, not otherwise provided for by this Act, or copy of any account, statement, report or the like, taken out of any civil or criminal or revenue court or office, etc. Now from a perusal of these four articles it will be seen that copies of judgments of the courts of justice are treated differently from other documents. Article 6 refers to such judgment or order as is passed by any civil court other than a High Court, or by the presiding officer of any revenue court or office, or by any other judicial or executive authority. Then clause (*a*) refers to the money value of those decrees, evidently meaning that those judgments are confined to civil judgments. So there is another class of judgments. These are revenue court judgments as well as judgments of criminal courts. They do not come under article 6. On the other hand, in practice, they are made to come under article 9. And a criminal court judgment is liable to a stamp duty of As. 8 for every 360 words. By this amendment, I only propose to bring the judgments of the criminal courts and revenue courts in line with article 6. There must be some reason to treat these copies or translation of judgments differently from other documents. I presume the reason is that the judgment as such takes into view the whole transaction and gives a final adjudication. If this is the reason, I would also press the same thing in respect of judgments of criminal courts and the judgments of revenue courts as well. We always feel a difficulty in paying at the rate of As. 8 for every 360 words of a judgment. Suppose, for instance, there is a heavy criminal or sessions case in which a certain party has to file a copy of a voluminous judgment. It is unfair in such cases to tax a heavy court fees duty. In this view, I would submit that it is fair that we should treat these judgments of criminal courts under section 6, the fee being only 8 annas. For

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Schedule I, Article 7—*cont.*

every judgment of a criminal court or revenue court a fee of 8 annas would be quite enough; and then they ought not to be made to come under article 9 which does not provide for such judgments. It only says, 'copy of any revenue or judicial proceeding' under which according to the present practice these criminal court judgments come."

Mr. T. ARUMAINATHA PILLAI:—"Sir, I rise to second the proposition. We find in revision or in appeals, so far as the civil suits are concerned, a stamp of the fixed value is asked to be attached to the decrees and judgments against which an appeal is presented either to the district court or the High Court. But in the case of a criminal appeal or criminal revision we are asked to pay at the rate of 8 annas for 360 words. I submit, Sir, there is no justification for this difference. At least so far as the civil court is concerned, in the civil appeals, it is the parties that go to courts and then when they appeal they are made to pay a little more. But so far as the criminal revisions or appeals are concerned, it is the Government's work which is being done in the law court, it is the Government that is the party, it is the King-Emperor that is the complainant; in such cases, I do not believe it will be right to ask the parties to pay at the rate of 8 annas per 360 words. We must secure some sort of uniformity at least in this respect where the Government is the opposite party. Therefore, I submit that As. 8 would be the proper amount leviable on these judgments."

Mr. T. SIVASANKARAM PILLAI:—"6-A. would be the proper place."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I have no objection at all, though I am doubtful whether it is going to benefit anybody, because section 371 of the Criminal Procedure Code allows the accused to get a copy free. As it is, it will mean that you have got to pay for that also. (Diwan Bahadur L. A. Govindaraghava Ayyar—No. no.) My honourable friend Mr. Govindaraghava Ayyar says 'no, no'. I have to accept his correction on trust."

Mr. T. SIVASANKARAM PILLAI:—"Section 371 of the Criminal Procedure Code applies only to copies of judgments which are applied for by the accused for the purpose of appeal only. Now, I refer to those classes of documents which a party in support of some contention of his, whether it is in civil court or Revenue Court, may have to rely upon in those cases. I say that these judgments may be treated separately and they be made liable to not more than As. 8 on the whole, not at the rate of 8 annas for 360 words. Section 371, Criminal Procedure Code, has no application because it refers to judgments applied for by the accused."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I am willing to take it on trust, as I said. I do not think that the revenue courts need be considered specially because it is already provided in article 6: 'When such judgment or order is passed by any civil court other than a High Court, or by the presiding officer of any Revenue Court or office, or by any other judicial or executive authority.'"

Mr. T. SIVASANKARAM PILLAI:—"The value is given as Rs. 50."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I must object to it because it is the civil court that adjudicates unless it is restricted to a criminal court."

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Schedule I, Article 7—*cont.*

Mr. T. SIVASANKARAM PILLAI :—"I have no objection."

The Hon'ble the PRESIDENT: —"The motion will stand unless an amendment is put forward in the proper form."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :- "I beg to propose, Sir, that in the amendment the words 'or of a Revenue Court' be omitted."

Diwan Bahadur L. A. Govindaraghava Ayyar seconded.

The Hon'ble the PRESIDENT :—"The motion before the House is that in the amendment put forward by Mr. Sivasankaram Pillai the words 'or of a Revenue Court' be omitted."

Mr. T. SIVASANKARAM PILLAI :—"I accept the amendment, Sir."

The amendment was put and carried.

The Hon'ble the PRESIDENT :—"Then I will put the main motion; it stands thus :—After number 6 *add* the following as 6-A :—

'Copy of judgment under the Code of Criminal Procedure—Eight annas.'"

The motion was put and carried.

SCHEDULE I, ARTICLE 9.

Amendment 33.

12 noon. Mr. T. SIVASANKARAM PILLAI :—"The amendment that stands in my name runs as follows :—

'*33. In the third column after the word "ditto" add "subject to a maximum of rupees five."*'

"This again refers to article 9 of the Bill. Article of the Bill insists that a court fee of 8 annas ought to be paid for every 360 words of the copy of any proceeding, judicial or revenue, that is sought to be exhibited as a piece of documentary evidence. I beg to submit that this levy is rather heavy. I would certainly have no objection for the levying of 8 annas for every 360 words subject to a maximum of Rs. 5. That is the amendment which I propose. My object is that no documents ought to be made liable to a court fee of more than Rs. 5 when it is presented as an exhibit in a certain judicial proceeding. To levy more thanRs. 5 will be unduly heavy and I only pray that the Council will accept this amendment."

Mr. T. ARUMAINATHA PILLAI :—"I second it."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I must object to this, because I have made no changes whatsoever from the original Act. I see no reason now to make this change. In the original Act the fee prescribed for 360 words or fraction thereof is 8 annas. Now, my friend wants to impose a limitation of maximum of Rs. 5. I am unable to see why we should go on reducing this."

Mr. T. SIVASANKARAM PILLAI :—"So far as the raising of the fees is concerned, there is no other reason advanced by the Hon'ble the Law Member. My contention is that at the rate of 8 annas for 360 words, in cases where there are many voluminous documents the fees to be levied would come to tens of rupees. I want to relieve the litigants of this heavy charge and I think Rs. 5 will be quite enough."

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Schedule I, Article 9—*cont.*

On the motion of Mr. Sivasankaram Pillai a poll was taken with the following result :—

Ayes.

1. Mr. N. A. V. Somasundaram Pillai.
2. Diwan Bahadur M. Ramachandra Rao Pantulu.
3. Rao Bahadur A. S. Krishna Rao Pantulu.
4. Rai Bahadur T. M. Narasimhacharlu.
5. Rao Bahadur C. V. S. Narasimha Razu.
6. Dr. C. B. Rama Rao.
7. Mr. A. Ranganatha Mudaliyar.
8. Mr. T. Sivasankaram Pillai.
9. Mr. M. Suryanarayana Pantulu.
10. Mr. T. Arumainatha Pillai.
11. Diwan Bahadur L. A. Govindaraghava Ayyar.

Noes.

1. The Hon'ble Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, Mr. P. Ramarayaningar.
6. ,, Rai Bahadur K. Venkata Reddi Nayudu.
7. ,, Rao Bahadur A. P. Patro.
8. Mr. C. P. Ramaswami Ayyar.
9. Mr. T. E. Moir.
10. Mr. M. E. Couchman.
11. Mr. N. F. Marjoribanks.
12. Mr. N. Macmichael.
13. Mr. F. J. Richards.
14. Mr. C. W. E. Cotton.
15. Mr. R. Littlehailes.
16. Mr. E. Periyanayagam.
17. Mr. R. K. Shanmukham Chettiyar.
18. Mr. A. Ramaswami Mudaliyar.
19. Mr. K. Adinarayana Reddi.
20. Mr. R. Appaswami Nayudu.
21. Mr. B. P. Devarajulu Nayudu.
22. Mr. C. Ramalinga Reddi.
23. Mr. O. Tanikachala Chettiyar.
24. Mr. C. Natesa Mudaliyar.
25. Mr. V. P. Pakkiriswami Pillai.
26. Mr. P. T. Rajan.
27. Mr. W. P. A. Saundara Pandia Nadar.
38. Mr. S. Somasundaram Pillai.
29. Mr. P. Subbarayan.
30. Mr. S. Muttumanicka Achari.
31. Mr. M. Ratnaswami.
32. Mr. R. T. Kesavulu Pillai.
33. Mr. G. Vandanam.
34. Rao Sahib P. Venkatarangayya.
35. Mr. A. M. MacDougall.

The amendment was lost, 11 having voted *for* and 35 *against*.

SCHEDULE I, ARTICLE 11.

Amendment 34.

Mr. O. TANIKACHALA CHETTIYAR :—" Sir, the amendment that I have to move is in regard to probate of a will or letters of administration. It runs as follows :—

' 34. *Omit in the central column the words " but does not exceed ten thousand rupees " and the words " when such amount or value exceeds ten thousand rupees " occurring after the words " when such amount or value exceeds five thousand rupees " and in the third column omit the words " five per centum on such amount or value.*" '

" This amendment of mine is based upon a practice which is peculiar to the Presidency town as opposed to the mufassal. For instance, when the head of a family dies, leaving a life policy in an insurance company of Rs. 10,000 and also leaving house property worth 1½ or two lakhs of rupees, his heir is obliged under the law prevailing in Madras to apply for letters of administration, or if there is a will, for probate of a will, and that application must be accompanied by a statutory form of affidavit which mentions all kinds of conceivable property which he (the deceased) may have transmitted to the heir, together with all the accruals thereof up to the date of the application, so that the whole of his estate has to be declared and duty paid on it before letters of administration can be obtained in order to recover that insurance money of Rs. 10,000. When he applies for probate and secures

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14th March 1922] [Mr. O. Tanikachala Chettiyar]

Schedule I, Article 11—*cont.*

the estate, he has to pay away the amount that he gets from the insurance company by way of duty and he is obliged to do so for no other benefit than that of recovering the insurance money. Very often people begin insurance in their younger days, because after a certain time they become unfit for insurance and in the earlier stage of their life their resources may not permit of an insurance for more than five or ten thousand rupees. In later life they earn more and invest their earnings in immovable property. Letters of administration are required even for the purpose of recovering rent from a tenant. But if only for the purpose of recovering this insurance money a probate duty of 5 per cent has to be paid, I think this is a very great hardship. People may very well say that instead of recovering this money due from the insurance company by pledging their house property and raising a loan to be repaid afterwards, they may as well give up the insurance money. Very often some people invest some portion of their assets in Government promissory notes for about Rs. 5,000. For the purpose of obtaining letters of administration the heirs have to pay such a large sum of money that nothing will be left in the end and the result will be a loss. In these circumstances it is very desirable that this provision, which is already heavy, viz., that up to Rs. 10,000 we have to pay 6 per cent; between Rs. 10,000 and Rs. 50,000 it is $2\frac{1}{2}$ per cent and for sums over Rs. 50,000 it is 5 per cent, should be amended. Now what has got to be done is to pay a duty on sums from Rs. 5,000 to Rs. 10,000 at 3 per cent and from Rs. 10,000 to Rs. 15,000 at 5 per cent. So that it will be a great hardship and the object which the Government have in view in passing this amendment will be defeated; because, very many people will be tempted to give up the sums that they have to get rather than apply for letters of administration at such heavy cost and running the risk of selling their property without ultimately being benefited. Therefore, I move this amendment for the acceptance of the House."

Mr. T. ARUMAINATHA PILLAI:—"I rise to second this motion, because I have also given notice of a similar motion. From experience I could vouch for all the statements made by Mr. Tanikachala Chettiyar. I know a client of mine for whom I had to obtain a probate of a will. All the immovable properties in the client's possession were worth Rs. 1,50,000. It was only to collect a small sum and various other monies that were due that we had to obtain a probate of the will and the amount in the shape of stamp duty on this account came up to something like Rs. 3,500. Unfortunately here we were not bound to take out a probate only for the portion that it was necessary for us to collect. Further, Succession Certificate Act is not applicable to this City. I therefore submit that it is a very great hardship to increase the whole thing like this and that the amendment is a very reasonable one. Though the Hon'ble the Law Member may say that this is the best form of taxation recommended by the highest authority and all that and that therefore the Government would not be committing any sin in taking away from the people as much money in this shape as possible, in spite of all that, I must say that the Bill as it is rather goes too far in inflicting hardship upon poor people."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"Mr. President, I regret I have to oppose this. For I consider that a death duty or a probate duty

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[Mr. K. Srinivasa Ayyangar] [14th March 1922

Schedule I, Article 11—*cont.*

on inheritance is a very legitimate kind of duty. My friends have been saying that where there is a life insurance for two or three thousand rupees the claimant has to pay a duty on the whole estate.

"That is when you want a probate or letters of administration for the whole estate, not merely for the purpose of collecting a particular sum or sums. You wish to establish the representative character of the person, saying, that he is entitled to collect all dues and that he is the owner, subject of course to distribution among the beneficiaries. What ought really to be done is to make a probate or letters of administration compulsory in all cases, as it is compulsory in England and elsewhere. Because we do not want to impose that liability on all properties, because we have enabled courts in the mufassal to grant what is called a succession certificate for particular items of money which you want to collect, that is no reason whatsoever to excuse persons who are bound by the law—not by the Court Fees Act but by the Hindu Wills Act—to obtain probate or letters of administration, from paying an adequate duty upon the property which is vested in them by succession.

"I may mention in this connexion, Sir, that in England what is called the estate duty ranges from 1 per cent to 40 per cent of the value of the estate. For instance, for an amount between £ 100 and £ 500, it is 1 per cent; from £ 500 to £ 1,000, 2 per cent; from £ 1,000 to £ 5,000, it is 3 per cent; the scale of fees in England thus rises gradually, and if the estate is of the value of 2 million pounds, it is 40 per cent. That is the law in England. Here we have increased the duty to 5 per cent in the case of estates valued at over Rs. 10,000. The principle of taxation in regard to this matter is, the larger the value of the estate which passes on to survivors with the unearned increment, the larger the duty they should be required to pay. We have tried to adopt the English principle to a very small extent indeed in the matter of the duty which is payable. So, there is really no hardship, and there is no use in saying that when you have to recover a life insurance of Rs. 3,000 or Rs. 4,000, you have got to take out probate or letters of administration paying duty on the value of the whole estate and you are compelled to pay it at a percentage of the value. Some people may get the value of life insurance policies without paying it. For instance if the articles of association of a life insurance company say 'Unless you produce a probate or letters of administration, we do not pay,' then the claimants have to pay duty. In the mufassal duty has to be paid in the case of a particular item of debt for the purpose of collecting it. A person of proved character may be able to collect the debt without any difficulty or trouble. In these circumstances, I am unable to see any justification whatsoever for reducing the fee as proposed in this amendment."

c 12-15 p.m.

Mr. N. A. V. SOMASUNDARAM PILLAI:—"Mr. President, I beg to support this amendment. Government are no doubt entitled to collect duties on probates or letters of administration taken out by heirs to deceased persons leaving property. Under the Court Fees Act as it stands at present, the duty payable on values above Rs. 1,000 up to Rs. 10,000 is 2 per cent; from Rs. 10,000 to Rs. 15,000 it is $2\frac{1}{2}$ per cent; and above Rs. 15,000 it is 3 per cent. Now under this Bill it is proposed that the duty payable on values above Rs. 1,000 and up to Rs. 5,000, should be 2 per cent; above Rs. 5,000 up to Rs. 10,000, it should be 3 per cent; and above Rs. 10,000, it is proposed to increase the duty to 5 per cent. The analogy drawn from the English

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14th March 1922] [Mr. N. A. V. Somasundaram Pillai]

Schedule I, Article 11—*cont.*

law is not possible of application in this country. Here, so far as most of these cases are concerned, there is no great hardship for a person who is entitled to succeed to an estate. But if a company in which a person has insured his life, under its articles of association, requires the heir to produce a probate or letters of administration, or if a dishonest debtor with the intention of putting off the repayment of the debt puts the creditor to the necessity of producing a probate or letters of administration, in such cases the heirs are obliged to go in for probate or letters of administration. In such cases if we make them pay a portion of their inheritance, it would cause very great hardship. As the honourable mover has said, so far as the Presidency town is concerned there is no option given. There they are bound to obtain a probate or letters of administration. But so far as the mufassal is concerned, the option is given to obtain probate or letters of administration for a part of the estate for which it may be required. Even when we want to amend the Act for the purpose of raising money to meet the deficit, we can go to a certain extent only. Simply because a person dies leaving large property and the heirs come to succeed to it, that is no reason at all why the Government should go in for it and claim a large slice out of it on the ground that it gives a status to the heirs. I think the amendment proposed by the honourable mover is a reasonable and necessary one in the interests of persons, poor and rich, and also in the interests of the Government itself. I therefore beg to support the amendment."

The Hon'ble Sir CHARLES TODHUNTER:—"Sir, I feel bound in the interests of the treasury to oppose this plea on behalf of the poor rich man. I would submit that the arguments which we have just listened to from the last speaker are contrary to all canons of taxation. It is generally agreed, I think, in all countries that a death duty is one of the most proper duties. It does not hurt any one at the time; it affects property which is passing from a dead man to a living man; and it is graduated generally upwards so that the richer the estate the larger the amount of the duty. I think it is generally accepted that it is one of the best forms of taxation, and in countries where it is in force it is frequently met without any great hardship by life assurance for an amount equal to the duty. I quite agree that there is a hardship in the case of the inhabitants of the Presidency town in that they are liable to take out probate whereas the persons in the mufassal can escape. I certainly hope that steps will very shortly be taken to remove this hardship by making probate compulsory for the whole Presidency, as in the case of the Presidency of Bengal. I once again appeal to the Council on the ground that we need money very badly and this is the very best form of taxation, to oppose this amendment."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I should like to point out to the Hon'ble the Finance Member that the scale adopted in the English Act is a sufficient indication for us in regard to this amendment. Let us take the scale of duties in England at their equivalent value in Indian currency. For an estate valued at £1,000, the equivalent of which in Indian money would be Rs. 15,000, the duty chargeable is 2 per cent. It is proposed in this Bill that all estates of the value of over Rs. 10,000 should be charged 5 per cent. I ask my honourable friend as a student of economics, supposing a man has got a fortune of Rs. 10,000 or has inherited such a fortune, whether he can be asked to pay as interest on the

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Schedule I, Article 11—*cont.*

amount, Rs. 1,500 to Government. Does he want to treat it as what I may call the consumable income of persons with small fortunes? I have absolutely no objection to adopting the scale that obtains in England. I am certain that there are very few persons here who have got fortunes of the value of 2 millions or 1½ millions. I would adopt the whole scale entirely, substituting the Indian equivalent of English currency. If the scale is thus adopted, estates of the value of Rs. 1,500 up to Rs. 7,500 would be subject to a duty of 1 per cent. I have absolutely no objection to that. Then for estates worth between Rs. 7,500 and Rs. 15,000, the duty would be 2 per cent. In this case also I have absolutely no objection. For estates worth above Rs. 15,000 up to Rs. 75,000, the duty would be 3 per cent. Certainly nobody in this Council would object to this proposal. What we certainly say is that persons should not be hard hit under this idea that everybody who inherits a fortune should be taxed. There must be some limit fixed, so that persons with small fortunes are not hard hit. And if the Hon'ble the Finance Member considers what the equivalent of Rs. 10,000 would be in English money and what would be the rate of duty under the English Act, he would be in a position to see whether it is reasonable to take away 5 per cent of the value of an estate We have no objection to the principle of death duties at all. The Hon'ble the Finance Member seems to have misunderstood my honourable friend Mr. Somasundaram Pillai. He never objected to duties at all, but only to the rate at which they are proposed to be levied. If my honourable friend the Finance Member intends to extend this beneficial proposal to the mufassal also, I would sound a note of warning that this Council should not accept a scale which takes away from the capital of a person who inherits a fortune, 1/20 of that fortune. It seems to me to be very hard and after all Rs. 10,000 is a big fortune to a man of ordinary family and to take away 1/20 thereof as death duty, is really very hard. Therefore, Sir, we shall have absolutely no objection, if my honourable friend would propose these death duties on the equivalent of rupee currency. It cannot be said that 5 per cent is charged in England on estates worth £10,000 (which comes to Rs. 1,50,000 in Indian currency) and, therefore, that rate is put upon Rs. 10,000 also. Strictly speaking it means that this 5 per cent duty is levied in England on estates worth Rs 1,50,000 and above. I am therefore very glad that my honourable friend the Law Member has quoted the English law and precedent, which entirely are against him."

The Hon'ble Sir CHARLES TODHUNTER :—"May I explain, Sir, that the present amendment only affects sums above Rs. 10,000? Therefore, it is a proposal to tax the rich man and not the poor one."

Rao Bahadur K. GOPALAKRISHNAYYA :—"Sir, I rise to support the amendment. There seems to be considerable misapprehension on the part of some members of this House that the case is strengthened by quoting an analogy of the English law. English law is quite different from Hindu law. Under the Mitakshara law, the son of a father is by virtue of his birth entitled to inherit the property left by his father, whereas in England the son is to depend upon the will of the father and I think it is but right that the death duties in England should be heavy because the son either expectedly or unexpectedly gets some properties of his father to which by law or by his birth he is not entitled. But in India the son, by virtue of

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14th March 1922] [Mr. K. Gopalakrishnayya]

Schedule I, Article 11—*cont.*

his birth, is entitled to inherit the property of his father, and it is only in extraneous cases that succession certificates or letters of administration are required to be applied for, for the purpose of recovering the debts due to the father from others. So, the comparison is odious and figures are generally misleading. I think for these reasons that the House should accord its support to the amendment moved by my honourable friend Mr. O. Tanikachala Chettiyar."

Mr. W. VIJAYARAGHAVA MUDALIYAR:—"Mr. President, I beg leave to support this amendment. Sir, no doubt, in the first place the Bill has been conceived for the purpose of raising money to meet the deficit in this Presidency, and the most equitable way of getting it would be to take more money from those who can afford to pay, for instance those who without cause or provocation rush into court. In such cases the increase of court fees would check the inordinate desire on the part of some people to spend large sums in litigation by way of court fees, pleaders' fees, etc. But in the case of these poor people now under discussion, the case stands on a different footing altogether. These men go to court, not with any desire to spend some extra money, to ease themselves of anything by giving it to the lawyer and enjoying the pleasure of litigation and to have the consolation of making their neighbours blush.

"But here in most cases it so happens that many families are left in the world with some landed property and some amount of insurance money. It also very often happens that a man who has insured his life for a large amount dies leaving also a large estate. When it becomes necessary for the family to clear the debts with the help of this insurance money a tedious procedure has to be adopted and they are very much handicapped. As pointed out by my honourable friend Mr. Ramachandra Rao, there can be no objection whatever if the English rates are adopted. It has very often been said that the rate of taxation in England is very much heavier than in India. It is also well known that in England the capital is well used and improved by all means and unfortunately owing to our social customs and ideas of economy and ideas of living, people here are under a great disadvantage and the people invest the money only in jewels, etc. There is not therefore much scope in India for improving the amount. Further, the ideas of family life are quite different here and a man earning a small amount has got to maintain a number of dependents. Taking into consideration all these things to levy a fee on probate and letters of administration on estates is itself a hard thing in India and to import a comparison between the English rates and the Indian rates is not desirable especially when English rates are very high. Therefore in this case at least, I think, the old rates ought not to be disturbed and I therefore strongly support the amendment."

12-30 p.m.

Mr. O. TANIKACHALA CHETTIYAR:—"Sir, I have listened to the Hon'ble the Law Member and I have not found anything to induce me to alter my view. He has instituted a comparison between Madras and England where the conditions are so very different. I pointed out the hardship by a comparison between mufassal stations and Madras. Whereas in Madras we have to pay on anything and everything, in a mufassal station you have only to pay on what is to be recovered. As my friend Mr. Ramachandra Rao contended, things are not so very bad as represented by the

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[Mr. O. Tanikachala Chettiyar] [14th March 1922

Schedule I, Article 11—*cont.*

Hon'ble the Law Member and the hon'ble the Finance Member. As has been pointed out while we are in this country under the existing law raising 3 per cent from estates worth Rs. 50,000, the 3 per cent in England comes into operation only when the estate is worth Rs. 75,000. It is only right that we should be much behind England in this as in other matters. As to the threat of bringing in a law of that nature, I dare say the time will come when we may have to consider it. But at the same time we shall consider the conditions obtaining in England and India. But now in the absence of any revised scales with English rates, I think, we had better accept this amendment; and if necessary we shall bring in another scale later on."

The Hon'ble Sir LIONEL DAVIDSON :—"Sir, there has been reference made to the question of comparisons between English and Indian rates and also the question of the relative immunity of the rich and the poor man. I should like the House to realize that the effect of this amendment is to safeguard the richer classes. I do not think that that has been fully realized. As to comparisons with England, I cannot help thinking that the immensely greater rates leviable in England on the richer classes have been overlooked. I do not propose to enter into the question of the comparative value of English incomes and Indian incomes. But obviously an income in pounds sterling under English conditions cannot be compared off-hand with an income of rupees in India. The outstanding fact is if this amendment is passed it will have the effect of restricting the enhancement from 2 per cent to 3 per cent to cases where the value of the estate exceeds Rs. 5,000. It will impose no further increase in the case of estates worth lakhs and lakhs. And while the object of the Government in bringing forward this piece of legislation was to get as much additional revenue as they could without imposing crushing conditions, I observe that during the course of the debate we have actually had more than one instance of proposals to take advantage of the Bill in order to reduce rates of taxation, which have existed since 1870."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"If you want to compare the English table with ours by substituting rupees for pounds, you will find in England they pay a percentage on incomes below one thousand whereas here you are not taxed at all. That is the only fair way of judging the liability to pay tax on unearned property. Then for estates between 1,000 and 5,000 you have to pay 3 per cent—that is the same as here. Between 5,000 and 10,000 there is a 4 per cent tax. And so on there is a graduated scale. Here we have a uniform rate above 10,000 while in England beyond 10,000 there is a varying rates ranging from 5 up to 40 per cent. So that with regard to higher incomes you have to pay in England from half to a third of the income as estate duty and in India you pay only one-twentieth."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"Sir, the Hon'ble the Law Member's observations call for a reply. If honourable members will look into the present proposal, it is that incomes up to Rs. 1,000 ought to be excused. The proper way of calculating therefore would be to take £100 in England as equivalent Rs. 1,000 here. And proceeding thus, it will be found that the incidence of taxation is very much higher than that

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14th March 1922] [Mr. L. A. Govindaraghava Ayyar]

Schedule I, Article 11—*cont.*

under the English duties. As a matter of fact it will be remembered by the House that in the Act of 1919, at a time when the British Parliament was in need of great funds and in respect of people of whom it may be said to use the language of the Hon'ble Sir Lionel Davidson, that they are people with immense incomes, it was considered that a graduated scale should be adopted. As a matter of fact it will be found that the rates here work very much higher. I will take only one instance: it will be found that estates between a thousand pounds and five thousand pounds have to pay only 3 per cent. This, according to our scale, will be estates which have an income between Rs. 10,000 and Rs. 50,000; these would have to pay only 3 per cent according to the English scale, whereas the present proposal is to make them pay 5 per cent. Again estates whose value is between Rs. 50,000 and one lakh would have to pay 4 per cent according to the English scale. The present suggestion is to make them pay 5 per cent. If the graduated system enforced in England which *primâ facie* appears to be good is adopted here it will not press so hard on our comparatively poor set of people."

A poll was taken with the following result:—

Ayes.

1. Mr. K. Adinarayana Reddi.
2. Mr. R. Appaswami Nayudu.
3. Mr. B. P. Devarajulu Nayudu.
4. Rao Bahadur K. Gopalakrishnayya.
5. Mr. S. T. Shanmukham Pillai.
6. Rao Bahadur T. A. Ramalinga Chettiyar.
7. Mr. C. Ramalinga Reddi.
8. Mr. O. Tanikachala Chettiyar.
9. Mr. W. Vijayaraghava Mudaliyar.
10. Mr. B. Muniswami Nayudu.
11. Mr. A. T. Muttukumaraswami Chettiyar.
12. Mr. A. Narayanaswami Reddi.
13. Mr. C. Natesa Mudaliyar.
14. Mr. V. Pakkiriswami Pillai.
15. Mr. P. T. Rajan.
16. Rao Bahadur A. Ramayya Punja.
17. Mr. W. P. A. Saundara Pandia Nadar.
18. Mr. K. Sitarama Reddiyar.
19. Mr. T. Somasundara Mudaliyar.
20. Mr. N. A. V. Somasundaram Pillai.
21. Mr. P. Subbarayan.
22. Mr. T. C. Tangavelu Pillai.
23. Diwan Bahadur R. Venkataratnam Nayudu.
24. Diwan Bahadur M. Ramachandra Rao Pantulu.
25. ,, L. A. Govindaraghava Ayyar.
26. ,, M. Krishnan Nayar
27. Rao Bahadur A. S. Krishna Rao Pantulu.
28. Mr. C. V. Venkataramana Ayyangar.
29. Rai Bahadur T. M. Narasimhacharlu.
30. Rao Bahadur Dr. C. B. Rama Rao.
31. Mr. A. Ranganatha Mudaliyar.
32. Mr. M. Suryanarayana Pantulu.
33. Mr. T. Arumainatha Pillai.
34. Rai Sahib E. M. Mascarenhas.
35. Mr. Abbas Ali Khan Sahib Bahadur.
36. Mr. Ahmad Miran Sahib Bahadur.
37. Mr. Saiyid Muhammad Padsha Sahib Bahadur.
38. Khan Sahib Muhammad Abdur Rahman Khan Sahib Bahadur.
39. Mr. Saiyid Diwan Abdul Razaaq Sahib Bahadur.
40. Mr. R. T. Kesavulu Pillai.
41. Mr. G. Vandanam.
42. Rao Sahib P. Venkatarangayya.

Noes.

1. The Hon'ble Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, Mr. P. Ramarayaningar.
6. ,, Rai Bahadur K. Venkata Reddi Nayudu.
7. ,, Rao Bahadur A. P. Patro.
8. Mr. C. P. Ramaswami Ayyar.
9. Mr. T. E. Moir.
10. Mr. F. J. Richards.
11. Mr. C. W. E. Cotton.
12. Mr. R. Littlehailes.
13. Mr. E. Periyanayagam.
14. Mr. R. K. Shanmukham Chettiyar.
15. Mr. A. Ramaswami Mudaliyar.
16. Mr. S. Somasundaram Pillai.
17. Mr. A. M. MacDougall.

The amendment was declared carried, 42 having voted *for* and 17 *against*.

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Schedule I, Article 11—*cont.* [14th March 1922

Amendments 35, 36 *and* 37.

The Hon'ble the PRESIDENT :—" In view of the decision of the House on amendment 34, amendments 35, 36 and 37 go out."

12-45 p.m.

The following amendments were therefore not moved :—

Mr. T. ARUMAINATHA PILLAI :—

'35. (i) *In column* 2 *omit the words* " *but does not exceed ten thousand rupees* " *in the second clause.*

(ii) *In the same column omit the following clause* :—" *When such amount or value exceeds ten thousaud rupees.*"

(iii) *In column* 3 *omit* " *Five per centum on such amount or value.*" '

Mr. N. A. V. SOMASUNDARAM PILLAI :—

'36. (i) *In the second entry in column* 2 *omit the words* " *but does not exceed ten thousand rupees.*"

(ii) *In columns* 2 *and* 3 *omit the following words* :—

" *When such amount or value exceeds ten thousand rupees.*	*Five per centum on such amount or value.*" '

Rao Bahadur K. GOPALAKRISHNAYYA :—

'37. (i) *In column* 2, *after the word* " *rupees* " *in the tenth line add the words* " *but does not exceed twenty thousand rupees.*"

(ii) *In column* 3, *paragraph* 3, *for the word* "*five*" *substitute* " *four.*"

(iii) *In column* 2, *after paragraph* 3, *insert the following new paragraph* :—

" *When such amount or value exceeds twenty thousand rupees.*"

(iv) *In column* 3, *after paragraph* 3, *insert the following new paragraph* :—

" *Five per centum on such amount or value.*" '

SCHEDULE I, ARTICLES 11 AND 12.

Amendment 38.

The following amendment standing in the name of Mr. P. Siva Rao was not moved, the honourable member not being in his place, and was therefore deemed to have been withdrawn :—

Mr. P. SIVA RAO :—

'38. *Retain the* " *proper fee* " *mentioned in the third column of the principal Act and delete the amendments proposed in the Bill.*'

SCHEDULE I, ARTICLE 12.

Amendment 39.

Mr. N. A. V. SOMASUNDARAM PILLAI :—" Mr. President, I beg to move that in regard to clause 12 which relates to certificates under the Succession Certificate Act, 1889 :—

'*39.* (i) *In the first entry in column* 2 *insert between* " *Act* " *and* " *does* " *the words* " *exceeds one thousand rupees, but* "

(ii) *In the second entry in the same column omit the words* " *but does not exceed ten thousand rupees.*"

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14th March 1922] [Mr. N. A. V. Somasundaram Pillai]

Schedule I, Article 12—*cont.*

(iii) *In columns 2 and 3 omit the following words :—*

" When such amount or value exceeds ten thousand rupees.	*Five per centum on such amount or value and seven and a half per centum on the amount or value of any debt or security to which the certificate is extended under section 10 of the Act."* '

" In my view, there should be only two clauses in column 2. I submit that with regard to amounts below Rs. 1,000 there ought to be no fee collected, and with regard to amounts above Rs. 10,000 there ought to be the same three per centum as in the case of probate of a will or letters of administration. Mr. President, you will find that in the original bill that was drafted and submitted to the Select Committee this provision was added that in so far as the amount was below Rs. 1,000 there was no fee to be collected. The original Bill ran thus : ' when the amount or value of any debt or security specified in the certificate under section 8 of the Act exceeds one thousand rupees, but does not exceed five thousand rupees.' But when the Bill was passed by the Select Committee they amended it saying that even with regard to amounts below Rs. 1,000 they wanted to provide for the same duty. So far as the probate of a will or letters of administration is concerned, there is an exception made in regard to amounts below Rs. 1,000. I submit that similarly with regard to the certificate also under the Succession Certificate Act, no fee should be collected when the amount or value is less than Rs. 1,000.

" With regard to the other portion of the motion, relating to the amount or value exceeding Rs. 10,000, I think the same reason that has been applied and adopted with regard to the probate or letters of administration, i.e., when the amount or value exceeds Rs. 5,000, three per centum apply to the succession certificate also and I therefore move for the deletion of those words in the second entry and in columns 2 and 3. You will find that all the remarks made by honourable members in regard to the probate or letters of administration will apply with equal force to certificates so far as five thousand rupees limit is concerned. There is no need at all for collecting such a large percentage as $7\frac{1}{2}$ per centum on the value when it exceeds Rs. 10,000. With these words, I beg to commend this amendment for the acceptance of the House."

Mr. T. Somasundara Mudaliyar seconded the motion.

The Hon'ble Mr. K. Srinivasa Ayyangar :—" May I ask you to put the first amendment, i.e., 39 (i) separately, because the latter two amendments may have to be considered with reference to the decision of the House with regard to the probate or letters of administration. This amendment stands apart, because it relates to a reduction of the duty from what it was in the original Act. May I just explain how the position stands ?"

The Hon'ble the President :—" I quite understand the need for putting it separately. But let the honourable member finish what he has to say."

The Hon'ble Mr. K. Srinivasa Ayyangar :—" I am unable to see why we should exempt properties below Rs. 1,000 from paying duty on succession certificates. On probates or letters of administration you have to pay duty on the whole estate, but with regard to the succession certificate you may

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[Mr. K. Srinivasa Ayyangar] [14th March 1922

Schedule I, Article 12—*cont.*

take a certificate in respect of a particular debt. That was why this distinction was made between succession certificates and probate or letters of administration. A man may be possessed of enormous wealth in land and only a small amount of debt, and all that will be necessary is to pay duty on the particular debt for which a succession certificate is required. I therefore submit to the House that the attempt to reduce the duty which has been in existence is without any justification whatsoever.

"With regard to the rates, after what the House has accepted in regard to probate and letters of administration, I am not insisting on heavier duty, especially when there is the right to levy a higher rate for extension of the certificate."

The Hon'ble the PRESIDENT :—"It will probably be convenient to indicate to the House that I shall put, as suggested by the Hon'ble the Law Member, amendment 39 (i) first to the vote, and 39 (ii) and (iii) afterwards. That is my intention. Has the honourable member Mr. Somasundaram Pillai anything to say ?"

Mr. N. A. V. SOMASUNDARAM PILLAI :—"After having heard the Hon'ble the Law Member's observation, I shall withdraw with the permission of the Council the first amendment, i.e., 39 (i)."

Amendment 39 (i) was then by leave withdrawn.

The remaining portion of amendment 39 was then put to the House and the motion was carried.

Amendment 40.

The following amendments were not then moved and were therefore deemed to have been withdrawn :—

Rao Bahadur K. GOPALAKRISHNAYYA :—

40. (i) *In column* 2, *after the word* '*rupees*' *occurring in third paragraph, add the following words* '*but does not exceed twenty thousand rupees*'.

(ii) *In column* 3, *paragraph* 3, *for the words* '*five*' *and* '*seven and a half*' *substitute* '*four*' *and* '*six*' *respectively.*

(iii) *In column* 2, *after the third paragraph, add the following new paragraph* :—

'*When such amount or value exceeds twenty thousand rupees.*'

(iv) *In column* 3 *add the following new paragraph opposite to the above new paragraph* :—

'*Six per centum on such amount or value*; *and seven and a half per centum on the amount or value of any debt or security to which the certificate is extended under section* 10 *of the Act.*'"

ANNEXURE (A) TO SCHEDULE I.

Amendment 41.

Rao Bahadur K. GOPALAKRISHNAYYA :—

'41. *In line* 3 *after the words* '*of suits*' *add the words* '*in courts outside the Presidency town*' *and omit the fourth line beginning with* '(*a*)'".

Amendment 42.

Mr. M. SURYANARAYANA PANTULU then moved—

42. (i) *Omit the word* '*Courts*".

(ii) *After the word* '*In*' *and before the word* '*outside*' *insert* '*suits of a nature cognizable by a court of small causes*' *and omit all the words after the word* '*town*',

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14th March 1922] [Mr. M. Suryanarayana Pantulu]

Annexure (A) to Schedule I—*cont.*

In doing so, he said:—"The amendment that I propose to move is consequent upon the acceptance by the House of the motion for amendment in regard to clause 2, schedule 1. Clause 2, schedule 1, has been amended by adding the words 'all claims of a nature cognizable by a court of small causes whether filed in a court of small causes or not', and in annexure A we find 'in courts outside the Presidency town in the exercise of small cause jurisdiction'. These words require to be deleted consequent on the acceptance of that amendment and according to my amendment it will be 'In suits of a nature cognizable by a court of small causes outside the Presidency town'. That is the reason why I propose this amendment."

Mr. T. Arumainatha Pillai seconded the motion.

The Hon'ble Mr. K. Srinivasa Ayyangar:—"I do not object to the amendment, for it is merely consequential, though I do not like the language. If you will allow me, Sir, I wish to say that there are many details I have to see through. I do not propose that this Bill be passed into law to-day. I propose with your permission, Sir, to move the same to-morrow. If the House will allow me, I shall carry out all the consequential amendments which have to be made in the Bill. I therefore suggest that the honourable mover be pleased to withdraw his amendment."

1 p.m.

Mr. M. Suryanarayana Pantulu:—"I beg leave to withdraw my motion."

The motion was then by leave withdrawn.

Amendment 43.

The following amendment was not moved as the honourable mover was absent:—

Mr. T. C. Srinivasa Ayyangar:—

43. *Add the words "and in other civil courts when they entertain suits of a small cause nature, as ordinary suits" after the words "small cause jurisdiction."*

Annexure (B) to Schedule I.

Amendment 44.

The following amendment was not moved and was therefore deemed to have been withdrawn:—

Rao Bahadur K. Gopalakrishnayya:—

44. (i) *Omit the contents of the whole of ninth page.*

(ii) *Pages* 10, 11 *and* 12.—*Omit lines* 3 *and* 4 *beginning with* '(*b*)' *etc.*

(iii) *In column* 3 *alter the amounts of proper fee in accordance with the amendments to No.* 1 *proposed above.*

(iv) *In the last line of page* 12 *for the words 'thirty rupees' substitute the words 'fifty rupees'.*

Amendment 45.

The following amendment standing in the name of Mr. N. A. V. Somasundaram Pillai was not also moved:—

45. *Add the following at the end:—*

'Provided that the maximum fee shall not exceed five thousand rupees.'

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[14th March 1922

SCHEDULE II, ARTICLE 1.

Amendment 46.

The following amendment 46 (i) was not moved and was therefore deemed to have been withdrawn :—

Rao Bahadur K. GOPALAKRISHNAYYA :—

46. (i) *In column* 3 *for the whole paragraph beginning with* '*In the case of etc.*' *substitute* '*Eight annas*'.

Rao Bahadur K. GOPALAKRISHNAYYA :—"I beg to move the second portion of the amendment—

46. (ii) *In column* 3 *for the words* '*One rupee eight annas*' *substitute* '*One rupee*'.

"In the second class of fixed rates a fee of one rupee eight annas is fixed on an application or petition when presented to a Chief Commissioner or other Chief Controlling Revenue or Executive authority, or to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a division and not otherwise provided for by this Act. I move, Sir, that only a rupee shall be charged for such petitions. For, petitions of this sort are usually presented by even the poor people and it is but right that the tax should not press heavily upon them."

Mr. R. APPASWAMI NAYUDU :—"I second the motion."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"Mr. President, as I said at the outset, we are trying to improve our revenues by raising 50 per cent over the fees already in existence wherever we could do so without undue hardship. This is just such a case where there cannot be any hardship whatsoever. With regard to the other clauses as will be found here we have not indiscriminately raised the fee but we have left many of them alone because we thought it might affect the poorer classes of persons or the matters pending in inferior courts. The same reason does not apply with regard to the enhancement from one rupee to one rupee eight annas where an application is made to a higher court or higher authority."

Rao Bahadur K. GOPALAKRISHNAYYA :—"I wish to know the views of other honourable members.

The Hon'ble the PRESIDENT :—"Order, order. It is not open to any honourable member to insist upon other honourable members speaking."

Rao Bahadur K. GOPALAKRISHNAYYA :—"I do not propose to withdraw my amendment, Sir. My only reason is that the enhancement would affect poor people largely. Moreover the rates derivable by the amending clause in the Bill would not be of any appreciable amount. So I press my motion for the acceptance of the House."

The Hon'ble Sir CHARLES TODHUNTER :—"Having fulfilled the functions of a chief controlling Revenue authority in the Board of Revenue, may I say that it is very very rare that these petitions are from poor persons. The petitions are largely from wealthy merchants who are affected by customs duties or something of the sort. I do not think they can demur to paying one rupee eight annas for taking up the valuable time of the Board of Revenue."

The amendment was then put and lost.

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14th March 1922]

SCHEDULE II, ARTICLE 10.

Amendment 47.

Mr. T. ARUMAINATHA PILLAI :—"Sir, I beg leave of the House to move the amendment standing in the name of Mr. T. C. Srinivasa Ayyangar."

The motion for leave to move was put and assented to.

Mr. T. ARUMAINATHA PILLAI :—"I beg to move the amendment standing in the name of my honourable friend Mr. Srinivasa Ayyangar—

47. *In column* 1 *omit the word* '*or*', *insert a comma between* '*Mukhtarnama*' *and* '*Vakalatnama*' *and add the words* '*or any papers signed by an Advocate signifying or intimating that he is retained for a party*' *after the word* '*Vakalatnama*'.

"The Bill as it is fixes a fee of one rupee for a mukhtarnama or vakalatnama when presented for the conduct of any one case to any Civil or Criminal Court other than a High Court or to any Revenue Court, or to any Collector or Magistrate or other executive officer, except those mentioned in clauses (*b*) and (*c*) of this number, a fee of one rupee eight annas when the same is presented to a Commissioner of Revenue, Circuit or Customs or to any officer charged with the executive administration of a division, not being the Chief Revenue or Executive Authority, and a fee of three rupees when the same is presented to a High Court, Chief Commissioner, Board of Revenue or other Chief Controlling Revenue or Executive Authority. In these cases, I believe I will be gladdening the hearts of the Hon'ble the Finance Member when I want to include the advocates also when they file an entrance, for what is called a retainer. The barristers also should be required to pay the same rate. Somehow or other, Sir, it is curious that while the practitioners have got except by name a sort of seniority while they do the same sort of work one set of practitioners is allowed to appear without paying any sum for their entrance, another set of practitioners are bound to pay a vakalat stamp duty. A counsel or an advocate when he appears on the appellate side or on any original side in the mufassal has got to act as much as a vakil or an attorney and when a vakil or an attorney appears either on the appellate side from decrees or orders from the mufassal courts and when he appears before the mufassal courts, he has got to pay a stamp duty according to the various rates. But when a counsel appears one does not see any reason why he alone should be exempted. It is true, Sir, so far as the Presidency Small Cause Court is concerned that the difference is not at all observed because no practitioner there pays a stamp duty as well as on the original side of the High Court. It is only in the large number of suits that come up in the mufassal and also in the appeals that this distinction is observed. There is no justification for this distinction and as it has been reiterated from time to time by the Hon'ble the Law Member and the Hon'ble the Finance Member, people ought to pay for the increase of the revenues of the Presidency, I think, Sir, this is an item which nobody would feel for to pay. Hence if any item could be increased without any difficulty at all, it is this and I press the amendment for acceptance."

Mr. A. RAMASWAMI MUDALIYAR :—"I beg to second this amendment, Sir. It is within the knowledge of every vakil practising in the High Court that in many of these cases, especially where batch suits are filed, a barrister or an advocate is engaged just to escape the fee on the vakalat and a senior

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Schedule II, Article 10—*cont.*

vakil is engaged to argue the case. Especially in the appellate side where the rule of the original side does not obtain, by which both sets of practitioners may not be engaged at the same time, this rule is conveniently used to cheat the Government of its revenue. In a batch of cases for instance where the appeals filed by a tenant against the landlord number from 400 to 500, a barrister is engaged to file all these appeals at a nominal fee, thus saving about 800 to 900 rupees to the tenant by way of court fees and a senior vakil is engaged just in one case filing a vakalatnama in the first or the main case and the senior vakil is asked to argue the case. I think therefore it is very necessary that both advocates and barristers on the one hand, and vakils on the other, should be placed on the same level with regard to this matter. I therefore strongly support the amendment."

Diwan Bahadur M. KRISHNAN NAYAR:—"I have also very great pleasure in sup portiug the motion. I understood my honourable friend Mr. Ramaswami Mudaliyar to say that practically there should be no distinction at any rate in the appellate side in arguing cases between advocates and barristers on the one hand, and vakils on the other. I am prepared to support all the remarks of the mover of this amendment and of Mr. Ramaswami Mudailyar, retaining at the same time the privileges which the barristers now enjoy. I do not want to deprive them of the privileges that they now have. As a matter of fact, vakils can appear in court only after presenting a vakalatnama. Even if this amendment is accepted it does not become obligatory on barristers to file vakalats and they can still appear without vakalats. Only they have to pay the fee fixed. So that, the amendment is intended to serve a monetary purpose without depriving the privileges enjoyed by the barristers. It is only in fiscal matters that the amendment will touch the barristers. They have no reason, therefore, to complain, and I trust my advocate friends here and outside this House will themselves have no objection to the acceptance of the amendment.

Mr. P. VENKATASUBBA RAO:—"I beg leave to oppose the amendment. Mr. Krishnan Nayar in supporting it said that it did not deprive the barristers of their privileges. It does, Sir. There is some distinction made between a vakalatnama in the case of a vakil, and the appearance memorandum in the case of a barrister. The vakalatnama is a declaration by the party and hence the client pays the fee thereon. But the memorandum of appearance in the case of a barrister or an advocate is different and the barrister may himself have to pay the fees prescribed for it. Moreover, the position will be anomalous, if you take the position of lawyers in criminal courts. The vakil will not be obliged to file a vakalatnama and will not have to pay anything, whereas the advocate who enters his appearance will be obliged to pay. I hope that it is not the intention of the House to place the barristers under a disability while depriving them of their privileges which they had long been enjoying. This is not equalization. I hope therefore that the House will reject the amendment."

The Hon'ble Sir CHARLES TODHUNTER:—"May I again appeal, Sir, to my experience which entirely confirms that of Mr. Ramaswami Mudaliyar as regards the signing of batches of cases of appeal memoranda by barristers for vakils? When I was Registrar of the High Court, it was very extensively done, and I tried every device

1-15 p.m.

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14th March 1922] [Sir Charles Todhunter]

Schedule II, Article 10—*cont.*

I could to secure the Government revenue against this practice. For instance, I began by posting a batch upside down (Laughter). In that particular case the first of the batch was signed by the vakil and the rest by the barrister. I posted the last first, and the barrister was called upon to appear. But then I think the vakil appeared for him and said that he was ill. In another case the same thing happened and I think the Court called for a medical certificate. I see from the fact that the practice is still referred to as common, that I have been defeated, and that although the Court made rules to stop this practice, the practice is still going on. I feel sure, Sir, that as it is a practice which can only affect briefless barristers, there is nobody in this Council who would wish to support it."

Mr. S. SOMASUNDARAM PILLAI :—" Mr. President, 'vakil' is an Hindustani word, meaning an agent or an attorney, and 'advocate' is an English word whose duty it is simply to advocate a case and not to be an agent of the client. Here in the Madras city, somehow or other, the duties of an advocate and an attorney are united in the vakil. So as attorney, he receives vakalatnama, which again is an Hindustani word meaning power of attorney. So such kind of vakil is obliged to receive vakalat from his clients. On the other hand, the advocate is doing the actual duty of advocating his client's case before the judge, and in the Original side his duty is merely to receive his brief and fees from an attorney. So I do not think there is any reason for asking the advocate to pay for the vakalatnama, because he is not at all agent to the client. With these few words I strongly oppose the amendment proposed."

Mr. O. TANIKACHALA CHETTIYAR :—" Sir, I feel compelled to oppose this amendment. Now anything that brings on revenue is welcome to the Hon'ble the Finance Member, but so far as the privilege of the counsel and of barristers is concerned, it is a matter of tradition and of history, and I do not think that even for the purpose of raising revenue we shall be justified in taking away such little privileges as they enjoy without specific notice to them. One other thing is this—a barrister or advocate is exempt at present from paying a fee for a vakalatnama, and now why should the advocate alone be asked to pay a stamp on a memorandum of appearance? Vakalat and muktarnama both imply a paper which is signed by the client. In the case of an advocate, he does not take a paper from the client, but he merely signs and signifies to the court that he has been retained by the client, not by a retainer signed by the client. My friend who has moved the amendment, or the gentleman who has given notice of it, has not noticed that this amendment is affecting only one class of people, the advocates, to their prejudice, whereas such a restraint is not put upon the other class of practitioners, viz., the pleaders and the High Court vakils. In criminal courts every pleader, every High Court vakil, every advocate who appears, is required to enter a memorandum of appearance, but my friend has excluded the other classes of pleaders, and has only put in the advocate as the person who is required to affix a stamp on his memorandum of appearance. If, on the other hand, he had said that every lawyer entering a memorandum of appearance, whether in a civil or a criminal court, must do the same, I could understand it. Whereas, while you are seeking to take away the privilege of the barrister, you are exempting the other class of lawyers, viz., vakils and

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Schedule II, Article 10—*cont.*

pleaders. Therefore I do think that it is not right to inflict such a hardship on advocates and barristers. On these grounds and on the ground that you ought not to meddle with the power and status of an advocate without assigning reasons, I oppose this amendment."

Mr. ABBAS ALI KHAN:—"Mr. President, the number of barristers and advocates is very, very small. It comes to only about 120 or so. There are great disabilities and disadvantages in the case of these barristers. We are no longer retained by the client; we are simply advocates paid by honorarium. We cannot sue for our fees and many of the barristers also know that thousands of rupees are owing to them by their clients. They cannot go to court; neither could the clients sue the barristers in case they fail to appear for their client after having received a fee. So, it is a historic privilege of the barristers, and I do not think that this Council consisting of a majority of vakils ought to deprive the barristers of the only proud privilege they have been enjoying from very ancient times.

"As regards the other question of suits being filed by briefless barristers, it was the practice at one time in the seventies and eighties. Now I understand the system is fast changing, and instances of the nature mentioned by Hon'ble the Finance Member are very very rare, and if they are common, surely they are reprehensible. I am sure the discussion of this Council will be brought to the notice of the barristers, and those who are briefless will take advantage of this, and I am sure there will be no more of such cases hereafter. Moreover, the revenue that is likely to be derived from this is also very very small, and I think in the interest of harmony it is necessary that this motion should be dropped."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Mr. President, this question of the equalization of the privileges of barristers and vakils is not a new one. Perhaps I may inform the Council that on a recent occasion this question was considered by a committee in England. Many of the students there studying urged that one of the main grounds why there was such a large influx of students to England was on account of the disparity of the privileges which existed between the barristers and vakils. The question was also examined by more than one committee. For example, I remember particularly that Sir John Edge, Chief Judge of Allahabad, was very strongly for equalizing the privileges of barristers and vakils and he put forward the proposals to a committee appointed by the India Office."

Mr. P. VENKATASUBBA RAO:—"May I know, Sir, whether he means to say that the opinion of the Advocates' Association was to equalize these privileges?"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I do not know what my friend is referring to. If he means the Advocates' Association in England, I do not refer to that. I can tell you that that Committee had before them all the best representatives of the students, and various other interests also were heard. I do not wish to refer to the findings of that Committee, but I may inform the House that there was a very strong feeling that these privileges of barristers and vakils should be equalised. The character of the Vakil bar in India justifies their being put on a footing of equality, and there is absolutely no reason why one set of legal practitioners should enjoy privileges which are denied to other sets.

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14th March 1922] [Mr. M. Ramachandra Rao Pantulu]

Schedule II, Article 10—*cont.*

"That is on the general question. The present proposal is that they should be placed exactly on the same footing with reference to entering appearance in suits, and I do not understand how my honourable friends who are barristers are in any way affected. I believe the half a rupee or one rupee which is charged for entering appearance comes out of the pocket of the client, and I do not see why my honourable friends are so much alarmed at this comparatively innocent proposal. The general question of privileges will have to be dealt with later on, and I am certain that this question is attracting attention already. Honourable members are aware that this question of exempting vakils also from filing vakalats has attracted some attention in the Legislative Assembly and the question, so far as I remember, was referred to Local Governments and the High Courts. The present proposal places pleaders, vakils and barristers on the same footing with reference to entering appearance in cases. Therefore, I do not see why my honourable friends believe that in this proposal they see an attempt to deprive them of a privilege which they have got. Of course, they have the privilege of not being sued; and that is not affected by this. And if any of my honourable friends are not able to recover his fees, that particular privilege also will be there. Therefore, I do not see how my honourable friends are entitled to object to the proposal as put forward."

Rao Bahadur K. GOPALAKRISHNAYYA:—"Sir, I wish to support this amendment. Probably it might be of some advantage to the Council if I were to give some experience which I have gathered. In batches of suits and execution applications, these barristers are sometimes engaged in order to evade payment of half a rupee for a vakalatnama. I know that in a Court where there were thousands of applications for execution of decrees on behalf of an estate, the estate engaged a barrister in order to avoid the payment of the vakalatnama fee, so that that half a rupee for each vakalatnama might serve as a fee for the barrister. I think there are two or three other instances also. The fact that fees are ordered to be paid by them on their memorandum of appearance does not take away the privileges which they enjoy. No question of privileges can arise now, and as my friend Mr. Ramachandra Rao has pointed out, any injury to those privileges may be considered elsewhere separately. But so far as taxation is concerned, the filing of a memorandum of appearance is the same as the filing of a vakalatnama on behalf of the client. Though the client engages a vakil in a particular form, it is the same as a barrister being engaged by means of filing a memorandum of appearance which certainly would mean that he received instructions from the client. Sometimes the barristers receive direct instructions, but sometimes through some middleman, not directly from the client, so as to keep alive an abandoned cause These middlemen give instructions merely for prolonging a case. These are some of my experiences. It does not mean that I am insinuating any of my friends here or elsewhere. The only thing is we are guided by certain principles when we consider a question of taxation of this sort and without meaning anything by way of insinuation to my barrister friends, I think they must enjoy the same privilege of being taxed at eight annas or one rupee, as the case may be, along with their other brothers in the profession. With these remarks, I support the amendment."

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Schedule II, Article 10—*cont.*

Mr. C. P. RAMASWAMI AYYAR:—"I am afraid there is a certain amount of misconception in this matter. In so far as a barrister follows the traditions of the English barrister he has to be instructed by attorneys duly constituted for the purpose as on the original side or in England. The attorney enters an appearance and has to pay for the appearence so entered by him and in theory the barrister is not instructed by the client—by the lay client directly—but is instructed by the attorney who is his professional client. He does not enter appearance in the sense in which the word is sought to be used in the amendment. He merely appears and that is the privilege of the barrister."

1-30 p.m.

Mr. O. TANIKACHALA CHETTIYAR:—"May I know if there is no stamp duty for the attorney's appearance?"

Mr. C. P. RAMASWAMI AYYAR:—"As Mr. Arumainatha Pillai pointed out, on the original side there is no stamp; there is also no stamp for the vakils. I am only making my observations with regard to the traditions of the barrister. This Act is not concerned with the original side and we are not dealing with it. My remarks apply generally to the barristers. Though, no doubt, in abstract theory of law there is nothing to prevent a barrister taking instructions directly from the clients, yet by a kind of professional tradition which has sprung up and has been maintained for the last 150 years, it has been considered a regular and proper thing for a barrister not to appear without the intervention of a solicitor except in certain classes of criminal cases. If that were the tradition followed here, if that were the system adopted here, I think we can understand the same privilege and the same dignity and the exemptions being pleaded for. But it is perfectly true and anyone who has had an experience of the appellate side and the batches of appeals on the appellate side knows that the barrister—I do not blame anybody—serves the functions of an attorney as well as of counsel. And what he really does is that he acts as a person by reason of whose entry of appearance no fee is payable in respect of the presentation of a large number of appeals, and when a vakil enters appearance in one appeal, there are 1,500 other appeals in which the barrister enters only a memorandum of appearance. The vakil argues the appeals and the barrister often does not. The question is whether the barrister is entitled to privileges as such if he does not conform to the strict traditions of the profession. If he does so—the root idea underlying the practice is an excellent idea, the idea underlying being a double agency—if that is sought to be carried out in practice, I can well understand the plea for the barristers which is being made in this Council."

Mr. T. ARUMAINATHA PILLAI:—"My friend Mr. Somasundaram Pillai rather fell into a serious misapprehension. I believe he entirely forgot the matter, not willingly I believe. He stated that the barristers had only to plead and advocate the cause of the clients and the vakils because they derived their name from the Arabic language acted as agents. My friend knows that on the appellate side, when appeals come from the mufassal courts, the advocates do also act. So far as acting on the appellate side is concerned, they file the memorandum of appeal, point out portions for translation and printing in the High Court, they pay into the court the charges for translation and purchase the papers through their clerks just as vakils do, and they do all this work without being instructed or assisted by an agency.

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14th March 1922] [Mr. T. Arumainatha Pillai]

Schedule II, Article 10—*cont.*

That is the position in which we are now in the appellate side in respect of cases coming from the mufassal. As far as the original court is concerned, the advocates have to do the same work just as vakils practising in the mufassal courts do. They file the statement, they appear at the framing of the issues and do everything just as a vakil does. So far as the original side of the High Court is concerned, Mr. Tanikachalam Chettiyar has confused the issues. In the original side when the attorneys or the barristers file their appearance, they have not got to pay any stamp duty. As the Advocate-General has explained, when the barristers appear in the original side of the High Court, they are entitled to appear and they say 'I appear for so and so instructed by so and so'. If that position is maintained throughout, then it will be very good. But when that position is not maintained and when they come to court and do all the work that the vakils do, one does not see any reason why they should not be made to pay. As Mr. Ramachandra Rao pointed out, it is not the barrister that pays for all these things. It is the client that after all pays for these things. One does not see why the coffers of the Government should not be filled in this way. One thing also my friend Mr. Tanikachalam Chettiyar said. He said that so far as criminal cases were concerned, the barristers and the vakils also entered their memorandum of appearance. The advocates also do the same. It is perfectly right. In either case the parties are not made to pay any stamp duty at all. So far as the difference between the vakil and the advocate is concerned, unless, as my friend the Hon'ble the Advocate-General has put it, they are going to extend the position of the dual system of attorney and barrister, there is no use of maintaining this difference here. There is no use of saying that after all we are practising the tradition of the English bar and therefore our clients shall not be mulcted. I do not want to refer to the practice prevailing in the appellate side referred to by Mr. A. Ramaswami Mudaliyar and the Hon'ble Sir Charles Todhunter. I am sorry to say that that practice is not a thing of the past. It is prevalent even to-day. If the client gets the profit and the Government loses the same, it is entirely due to this. Under these circumstances, I do not see any reason why the Government treasury should be emptied in this manner. I press my amendment and leave it to take its fate in the House."

A poll was taken with the following result :—

Ayes.

1. The Hon'ble Sir Lionel Davidson.
2. The Hon'ble Sir Charles Todhunter.
3. The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. The Hon'ble Mr. K. Srinivasa Ayyangar.
5. The Hon'ble Mr. P. Ramarayaningar.
6. Mr. C. P. Ramaswami Ayyar.
7. Mr. T. E. Moir.
8. Mr. F. J. Richards.
9. Mr. C. W. E. Cotton.
10. Mr. R. Littlehailes.
11. Mr. E. Periyanayagam.
12. Mr. A. Ramaswami Mudaliyar.
13. Mr. K. Adinarayana Reddi.
14. Mr. R. Appaswami Nayudu.
15. Mr. B. P. Devarajulu Nayudu.
16. Rao Bahadur K. Gopalakrishnayya.
17. Rao Bahadur A. Ramayya Punja.
18. Mr. K. Sitarama Reddi.
19. Diwan Bahadur M. Ramachandra Rao Pantulu.
20. Diwan Bahadur M. Krishnan Nayar.
21. Rao Bahadur A. S. Krishna Rao Pantulu.
22. Mr. S. Muttumanicka Achari.
23. Rai Bahadur T. M. Narasimhacharlu.
24. Rao Bahadur Dr. C. B. Rama Rao.
25. Mr. A. Ranganatha Mudaliyar.
26. Mr. M. Suryanarayana Pantulu.
27. Mr. T. Arumainatha Pillai.
28. Rao Sahib E. C. M. Mascarenhas.
29. Mr. G. Vandanam.

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Schedule II, Article 10—*cont.*

Noes.

1. Mr. S. T. Shanmukham Pillai.
2. Mr. C. Ramalinga Reddi.
3. Mr. O. Tanikachala Chettiyar.
4. Mr. J. Kuppuswami.
5. Mr. B. Muniswami Nayudu.
6. Mr. M. Narayanaswami Reddi.
7. Mr. C. Natesa Mudaliyar.
8. Mr. P. T. Rajan.
9. Mr. W. P. A. Saundara Pandia Nadar.
10. Mr. N. A. V. Somasundaram Pillai.
11. Mr. S. Somasundaram Pillai.
12. Dr. P. Subbarayan.
13. Mr. T. C. Tangavelu Pillai.
14. Mr. P. Venkatasubba Rao.
15. Mr. C. V. Venkataramana Ayyangar.
16. Rao Bahadur C. V. S. Narasimha Raju.
17. Mr. Abbas Ali Khan.
18. Mr. Ahmad Miran Sahib.

The amendment was carried, 29 voting *for* and 18 *against* it.

Amendments 48 *to* 50.

The following amendment was deemed to have been withdrawn as Rao Bahadur K. Gopalakrishnayya did not move it:—

48. (i) *In column* 3 *for the words* '*one rupee*' *against item* (*a*) substitute '*Eight annas*'.

(ii) *In the same column* for *the words* '*one rupee eight annas*' *against item* (*b*), substitute '*one rupee*'.

(iii) *In the same column* for *the words* '*Three rupees*' *against item* (*c*) substitute '*Two rupees*'.

The following amendment was deemed to have been withdrawn as Rao Bahadur A. S. Krishna Rao did not move the same:—

49. (i) *In column* 3 *against item* (*a*) substitute '*Twelve annas*' *for* '*One rupee*'.

(ii) *In the same column against item* (*c*) substitute '*two rupees*' *for* '*three rupees*'.

The following amendment was deemed to have been withdrawn as Mr. T. Arumainatham Pillai did not move the same:—

50. *Under the column* '*Proper fee*' *against item* (*b*) omit *the word* '*Two*' *and* substitute *the word* '*Ten*'.

Amendment 51.

Rao Bahadur K. Gopalakrishnayya moved—

51. *In column* 3 for *the words* '*Fifteen rupees*' *against items* (*i*) *and* (*ii*) substitute '*ten rupees*'.

Mr. B. P. Devarajulu Nayudu seconded the motion.

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I object to it. Even if it is Rs. 15 it is not really an adequate fee in the vast majority of cases. It was originally Rs. 10. I have made a moderate increase of 50 per cent. The class of suits referred to are to alter or set aside the summary decision or order of any civil court not established by Letters Patent. This setting aside really involves the investigation into title in a vast majority of cases. By means of a suit of this sort and by paying Rs. 15 the litigant is in a position to establish his title and he also gets a release from the liabilities to which his property is subject. In many cases this ought to be taxed as if it were a suit for possession. There is really no justification for having it as ten rupees.

Rao Bahadur K. GOPALAKRISHNAYYA:—"I withdraw my amendment."

The motion was by leave withdrawn.

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14th March 1922]

SCHEDULE II, ARTICLE 17.

Amendment 52.

Mr. N. A. V. SOMASUNDARAM PILLAI :—" Sir, I beg to move—

1-45 p.m. 52. *In the third column against item* (*iii*) omit *the word* '*fifty*' *and* substitute '*twenty*.'

" This relates to suits under section 14 of the Religious Endowments Act or under section 91 or 92 of the Code of Civil Procedure, 1908. The reason why I submit that a fee of Rs. 20 instead of Rs. 50 will be enough is this. Generally, suits under section 14 of the Religious Endowments Act or under section 91 or 92 of the Code of Civil Procedure relate to some religious endowments or other charitable institutions. In such cases if a large court-fee is fixed, it will stop a number of suits which would otherwise be necessary to be instituted for the benefit of a religious endowment or other charitable institution. After all, suits under these sections are only few in number and it will not be necessary to tax very heavily those bodies or persons who, when they find that there is anything wrong with the institutions want, to set matters right. They must be encouraged to come forward and place the matter before the court, so that any irregularity or mismanagement or misfeasance may be rectified. In such cases, I submit, it is necessary that there should be an encouragement by making the court-fee very low. I submit that the rate of Rs. 50 that is now recommended by the Select Committee is very high. In the original Bill, as drafted by the Hon'ble the Law Member, he was pleased to take into consideration all these circumstances and he recommended only Rs. 20. But the Select Committee has raised it to Rs. 50. I therefore submit that it ought to be reduced to Rs. 20, the original figure put forward by the Hon'ble the Law Member, in view of the difficulties and other circumstances connected with the suits of such a nature as are mentioned in article 17."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I beg to second this amendment and, in doing so, I wish to confirm the object the Hon'ble the Law Member had when he originally introduced the Bill. He must have originally taken into consideration all the circumstances attendant upon the institution of suits relating to religious endowments or other charitable institutions, when he fixed the rate of Rs. 20. I am not in a position to comprehend any reason which must have led the Select Committee to substitute Rs. 50 for Rs. 20. I think that it must be the object of this Council to give all possible facilities in the matter of institution of suits relating to charitable trusts. The effect of increasing the fee in such cases is to discourage the filing of such suits. For these reasons, I request that the original object of the Hon'ble the Law Member should be carefully borne in mind and that we should go back to the old rate as introduced in the original Bill."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I confess I made many mistakes in introducing this Bill. But that is no reason why the unanimous recommendation of the Select Committee should not now be adopted. Members of this House, who are lawyers, know that in almost every one of these cases very difficult questions come up for consideration and they absorb a very large amount of the time of the courts, mostly the superior courts, and the fee which is paid is really ridiculous. If there is an honest claim, then the trust will not be a loser even if it pays Rs. 100. It does not pay enough

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[Mr. K. Srinivasa Ayyangar.] [14th March 1922

Schedule II, Article 17—*cont.*

for the benefit it derives. If it is a dishonest suit, then the person who brings that suit will have to pay and I think he must pay for his dishonesty. If the suit succeeds, the defendant has to pay the costs.

"Again in suits of this nature, there are innumerable applications almost under every section of the Civil Procedure Code and applications are put in at every stage to obstruct the course of such suits. If there is to be any change, I think it ought to be Rs. 150 and not Rs. 50. After all, the number of suits which are filed under these sections is very small—about 67—and the quantity of time they take of the superior courts is very considerable. They take more time than any other kind of suits."

Mr. N. A. V. SOMASUNDARAM PILLAI:—"I think that the amount of time taken by the court from the time of the institution of the suit is not the criterion for fixing the amount of court-fee to be paid. For, as a matter of fact, we see in money suits covering lakhs of rupees, a large amount of court-fee is paid and sometimes the suits are decided *ex parte*. There is absolutely no proportion whatever between the amount of fees paid in such suits and the kind of work involved in the disposal of those suits. At any rate, in regard to these charitable endowments or public or religious endowments, some exception ought to be made. It is for the purpose of seeing that these religious institutions are properly managed according to the wishes of the donors that the rate should not be increased. If there is no such concession, such suits will be very rare and the result will be that these religious endowments or other public institutions will not be cared for by anybody. This will be a great loss to the country and to the people. In fixing the court-fee, even if we fix Rs. 500 as the court-fee payable in some of these cases, it will not be a sufficient remuneration for the time and intelligence they take in their disposal. We are not always fixing the court-fees with respect to the amount of time or the intelligence that is to be given for the disposal of the suits or to the number of applications that may be put under each and every one of the sections of the Civil Procedure Code. That is no criterion at all. We ought to make special exception with regard to suits of this nature. I therefore submit that, instead of Rs. 50, Rs. 20 may be fixed as the fee payable on these suits."

The motion was put and lost.

Amendments 53 *and* 54.

The following amendments being identical fell out from the agenda:—

Mr. P. SIVA RAO:—

53. *Against item* (iii) *in the third column for* '*Fifty rupees*' *substitute* '*Twenty rupees*'.

Rao Bahadur A. S. KRISHNA RAO PANTULU:—

54. *In column* 3 *against item* (iii) *substitute* '*Twenty*' *for* '*Fifty*'.

SCHEDULE II, ARTICLE 17-A.

Amendment 55.

The following amendment was not moved and was therefore deemed to have been withdrawn:—

Rao Bahadur A. S. KRISHNA RAO PANTULU:—

55. *In column* 3 *substitute* '*Two hundred rupees*' *for* '*Five hundred rupees.*'

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Schedule II, Article 17-A—*cont.*

Amendment 56.

The following amendment was deemed to have been withdrawn, the member being absent :—

Mr. P. SIVA RAO :—

56. *In the third column under the heading 'proper fee'* substitute *'two hundred and fifty rupees'* for *'five hundred rupees'*.

Amendment 57.

Mr. N. A. V. SOMASUNDARAM PILLAI :—" Sir, I beg to move—

" 57. *In the third column* omit the words "*five hundred*" and *substitute 'Two hundred.'*

" This relates to article 17-A —

Plaint or memorandum of appeal in a suit—

(i) to obtain a declaratory decree where no consequential relief is prayed ;

(ii) to set aside an award ;

(iii) to obtain a declaration that an alleged adoption is invalid or never in fact took place or to obtain a declaration that an adoption is valid.

" With regard to such suits we have been hitherto paying only Rs. 10 as the court fee. But now the present Bill says that if it is a suit presented in a District Munsif's Court or the City Civil Court, the fee is Rs. 15 ; but if it is presented to a District Court or a Sub-Court, there are two classifications. They say it ought to be Rs. 100 if the value for purposes of jurisdiction is less than ten thousand rupees and five hundred rupees, if such value is ten thousand rupees or upwards. What I propose in this amendment is to substitute Rs. 200 for Rs. 500. There is absolutely no proportion whatsoever with regard to suits below Rs. 10,000 and those above Rs. 10,000. If it is Rs. 9,999 the court fee is Rs. 100 but if it is Rs. 10,000, it is Rs. 500. There is absolutely no reason at all why there should be such difference. There is Rs. 15, Rs. 100 and Rs. 500. I do not take objection to the two rates, Rs. 15 and Rs. 100. But I think that the fee of Rs. 500 may reasonably be reduced to Rs. 200. If there is some proportion, I can understand. But to say that all suits of the value of Rs. 10,000 and upwards are liable to a court fee of Rs. 500 is quite unreasonable. It will work a great hardship on the litigants. Rupees 200 will be enough. In the first case the parties will be already in possession. No consequential relief is prayed. Only a declaration has to be given. Again suppose there is an adoption and some relation who is interested in the matter sets up that there is no adoption. In order to avoid future complications a declaration has to be obtained at once, when the witnesses are alive and when the documents are in existence at the hands of the court as to the validity of the adoption. Again there are sometimes cases in which awards are obtained. In such cases necessity may arise for having the award set aside at the particular time. To say that in such cases a fee of Rs. 500 is to be paid is quite unreasonable. It is not only unreasonable but unwarranted, whatever may be the extent to which our deficit may have gone. No doubt we have agreed to raise the court-fees in order to meet the deficit. But there must be some reason for the enhancement. To put a court-fee of Rs. 500 in these cases, I must submit, with due deference to the Hon'ble the Law Member and other persons who might have had a hand in drafting this Bill, is very excessive."

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Schedule II, Article 17-A—*cont.*

Mr. M. SURYANARAYANA PANTULU :—" I second it."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" Sir, I am glad to note that the amendment given by my honourable friend Mr. Gopalakrishnayya is really far more satisfactory than the one I have put in. He has made proposals to enable us to levy court fees up to Rs. 1,000 where the value exceeds Rs. 20,000. It is no doubt true that the classes of suits dealt with here require only a court fee of Rs. 10. It is not merely a question of filling the exchequer, but the question is whether persons who can agitate these matters of whatever value should be left off with a fee of Rs. 10 only. Is it logical that a person who files a suit for Rs. 500 or Rs. 1,000 should be required to pay much more court-fees than a person who brings a suit to obtain a declaratory decree in respect of property with lakhs or who brings a suit to set aside an award which imposes a liability upon him to the extent of lakhs or who brings a suit to set aside an adoption which may involve the inheritance to property which may be worth lakhs? We have tried to put them all on the same footing, and have imposed such a reasonable duty. Ordinarily speaking in all these cases an *ad valorem* fee is proper, just as the fees for vakils are calculated even in these cases on an *ad valorem* basis. But we do not want to increase the duty all on a sudden and therefore this scheme has been adopted. If the suit is filed in a District Munsif's Court whose jurisdiction would be up to Rs. 3,000, the fee is Rs. 15; but if the suit is filed in a higher court, like the subordinate judge's court with unlimited jurisdiction—limited so far as appeal is concerned to Rs. 5,000—we are imposing a duty of Rs. 100. But if the suit is valued at above Rs. 10,000 so as to enable the party to go to the Privy Council, then we start with a fee of Rs. 500. That is the scheme which has been proposed in the Bill. There has been other gradations proposed by other honourable members like Mr. Gopalakrishnayya which improve upon the device which I have made for charging these cases. There is no hardship whatsoever because it must be remembered that this fee of Rs. 500 is for Rs. 10,000 and above. This Rs. 500 fee will be the fee that has to be paid whatever the value may be whether it is Rs. 20,000 or Rs. 1,00,000 or multiples of lakhs. Under these circumstances, I submit, Sir, there is no justification whatsoever to diminish the scale which I have proposed."

2 p.m.

Mr. N. A. V. SOMASUNDARAM PILLAI :—" What the Hon'ble the Law Member says is that there may be gradations in the scale of court-fees as proposed by my honourable friend Mr. Gopalakrishnayya——."

The Hon'ble the PRESIDENT :—" The honourable member should confine himself to the amendment before the House. The amendment of the honourable member Mr. Gopalakrishnayya has not yet been moved and so no discussion can turn upon the same."

Mr. N. A. V. SOMASUNDARAM PILLAI :—" I only submit, Sir, that the motion that I have made is a very reasonable one and there is no reason why the fee should be raised to Rs. 500. I therefore submit that the fee should be reduced."

The amendment was put to the vote and lost.

The Council adjourned for lunch at 2-5 p.m. and re-assembled at 2-50 p.m.

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Schedule II, Article 17-A—*cont.*

Amendment 58.

The following amendment standing in the name of Rao Bahadur K. Gopalakrishnayya was not moved and was therefore deemed to have been withdrawn :—

58. *In column* 3 *for all the words beginning with* '*hundred rupees*' *and ending with* '*upwards*' substitute *the following* :—

"*Hundred rupees, if the value for purposes of jurisdiction is five thousand rupees and below* ;

two hundred and fifty rupees, if such value exceeds five thousand rupees, but does not exceed ten thousand rupees ;

five hundred rupees, if such value exceeds ten thousand rupees but does not exceed twenty thousand rupees ; *one thousand rupees, if such value exceeds twenty thousand rupees.*"

Schedule II, Articles 17–B, 18 and 19.

Amendments 59 *and* 60.

The following amendments standing in the name of Mr. Siva Rao were not moved owing to the absence of the honourable member and were therefore deemed to have been withdrawn :—

59. *In the third column under* '*proper fee*' omit '*ten rupees*', '*fifteen rupees*' *and* '*one hundred rupees*' *and* substitute '*fifteen rupees*' *and* omit *all the words in the second column altogether.*

60. *In the third column* omit '*one hundred rupees*' *and in the second column* omit *all the words.*

Schedule II, Article 20.

Amendment 61.

The following amendment standing in the name of Rao Bahadur P. C. Etirajulu Nayudu was, owing to the absence of the honourable member, moved by Mr. G. Vandanam with the leave of the Council :—

Mr. G. Vandanam :—" Sir, in the absence of the honourable member Rao Bahadur Etirajulu Nayudu I beg to move the following amendment which was proposed by him :—

'61. *In column* 3 *instead of the word* "*twenty*" insert "*five*".'

" Sir, Mr. Etirajulu Nayudu has proposed this amendment with a view to help the Indian Christian community especially the Protestant Christian community and not the Roman Catholic Christian community for they do not generally go to courts for divorce. In this case, it will be found that under the new Act no alteration has been made from the original one. Nevertheless this change is proposed by my honourable friend with a view to help the poor. It is true that this Act has been introduced to enhance the revenues of the country. While we get revenue on the one side, I think it is good on the part of the Government also to do some justice and render some help to the needy ones and the Indian Christians are really in need of such help. We all know that the Indian sentiment is generally against going to courts to get any divorce. And as a matter of fact courts make it

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very difficult for the Indian Christians to get divorce. On account of the strictness of the court and on account of the heavy court-fees, many poor people are obliged to suffer owing to the faithlessness on the part of their partner in life. If a husband or wife lives in immoral condition, the husband or the wife has no way of going to courts on account of the heaviness of fees. The injured party therefore lives in a state of helplessness and in order to make divorce in such cases easy, this Council would do well to help those who seek remedy in courts. Moreover the revenue derived by the Government is very small from divorce cases, and if the amendment is accepted the relief granted to several suffering families would really be immense.

"I wish to bring to the notice of the Council another matter and it is this: these poor people would not go to courts unless either the missionaries or the church courts advise them to go to courts after due examination of their cases. Wherever possible the church court or the missionaries would try to settle the matter amicably without going to courts. They go to courts only when it becomes impossible for the church court or the missionaries to render any help. Therefore, I think the Hon'ble the Law Member will be doing a great act of charity to the suffering Christians if he accepts the amendment. The loss of revenue to the Government will be very small."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, I have great pleasure in seconding this amendment. I think that, with a view to lessen illegitimacy, it is desirable that this amendment should be accepted. The revenue from such cases is after all very small and there will not be much loss of revenue by the acceptance of this amendment. If they are Hindus, I do not think there is anything to prevent the lower class of people to go and marry even when there is a wife or a husband. There is no question at all as to the legality or otherwise of such marriages. But under the Christian Law, difficulties arise among the lower classes of people. The practice now is for the wife to go and live wrongly with any man and thus get illegitimate offsprings. If the divorce is made more easy, then marriages can be made more legal. I think we will be really helping the poor class in establishing the legitimacy of their children. On this point, I think it is desirable that the Hon'ble the Law Member should accept this amendment. I am sure statistics of such divorce suits will be ready with the Hon'ble the Law Member and I do not think the number will reach even two digits. The loss in revenue to the Government will not be much. In any case we have passed several amendments enhancing the revenues of the Government under this Act and I think a small reduction in the revenue may be allowed by the Hon'ble the Law Member accepting this amendment."

3 p.m.

The Hon'ble Sir CHARLES TODHUNTER:—"The amount of revenue involved is not small though it is not very large. But what I should like to protest against is this fiscal measure being taken advantage of to make divorce cheaper. This is not a case in which we have enhanced the revenue at all. The purpose of the honourable mover's amendment is to facilitate the legitimatizing of irregular relations. Such a purpose should not be pursued through means of a fiscal measure. Therefore I oppose this amendment."

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14th March 1922] Schedule II, Article 20—*cont.*

Mr. G. VANDANAM:—"Going to court is not made cheaper by this, because the Indian Christians are not easily allowed to go to the court either by the church or by the missionaries. Moreover, we are not legalising illegal marriages; but we are only making it easier for people to divorce persons of known immoral character. It is only when the husband or wife lives in open adultery that the church or the missionary would allow the person affected to go to court. Even if a person knows that so-and-so leads a bad life, he would be willing to keep quiet for the sake of children already born, and it is only when it is known that the case is incorrigible that they go to court. This course is not legalising immoral marriages or illicit life. It only facilitates the wronged husband or wife to divorce the guilty party. Therefore I hope that the Finance Member will help the poor people by making this concession."

On the motion of Mr. G. Vandanam a poll was taken with the following result:—

Ayes.

1. Mr. R. Appaswami Nayudu.
2. Diwan Bahadur R. Venkataratnam Nayudu.
3. Mr. C. V. Venkataramana Ayyangar.
4. Munshi Muhammad Abdur-Rahman Sahib Bahadur.
5. Saiyid Diwan Abdul Razaaq Sahib Bahadur.
6. Mr. L. C. Guruswami.
7. Mr. G. Vandanam.
8. Rao Sahib P. Venkatarangayya.

Noes.

1. The Hon'ble Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-lah Sahib.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, Mr. P. Ramarayaningar.
6. ,, Rai Bahadur K. Venkata Reddi Nayudu.
7. Mr. C. P. Ramaswami Ayyar.
8. Mr. T. E. Moir.
9. Mr. F. J. Richards.
10. Mr. C. W. E. Cotton.
11. Mr. R. Littlehailes.
12. Mr. R. K. Shanmukham Chettiyar.
13. Mr. K. Adinarayana Reddi.
14. Mr. N. A. V. Somasundaram Pillai.

The amendment was lost, 8 having voted *for* and 14 *against*.

CLAUSE 13.

Clause 13 as amended was then passed and added to the Bill.

PREAMBLE.

The preamble was then passed and added to the Bill.

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I do not propose to move that the Bill be passed into law. I want to see carefully whether the language of the Bill as amended is right and if necessary to move consequential amendments. This is a taxation measure and a comma or a single word may affect the context. If you kindly put it in the agenda for to-morrow I will look into the matter and move that the Bill be passed into law then. I make this request to you because as I have not given any notice to the Secretary he cannot include this in the agenda for to-morrow. If it is not taken up to-morrow, it will have to wait till September."

The Hon'ble the PRESIDENT:—"I take it that it is the wish of the House to finish this Bill to-morrow. I will then put this in the agenda for to-morrow afternoon, subject of course to such objections as honourable members may take under the standing orders. I believe that the Government intend to make some supplementary demands for the current year."

The Hon'ble Sir CHARLES TODHUNTER:—"They have to be discussed by the Committee as the supplementary demands are practically the revised estimate. I have no objection to its coming on on the 17th instant."

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The Hon'ble the PRESIDENT:—"I had better explain to the House. The Government want to introduce a number of supplementary demands for grants and they propose to make them on the 17th. It is not really open to me to set down any work for the 17th. Nine days beginning from the 17th have been set apart by His Excellency the Governor, not the Government, for discussing the budget for 1922-23. That is my difficulty. If this work is taken up on that day it will reduce the period of 9 days set apart to deal with proposals for reductions and omissions of grants for 1922-23. Therefore I want to take this at an earlier date. I wish to know whether it would suit the Finance Member and the Government if I set it down for the day after to-morrow."

The Hon'ble Sir CHARLES TODHUNTER:—"We have a Cabinet meeting that day. May I ask whether the supplementary demands, which are really the revised estimate, do not form part of the budget?"

The Hon'ble the PRESIDENT:—"The House is entitled to the full use of the time allowed by His Excellency the Governor, namely, the period of 9 days, to make motions for the omission or reduction of grants for 1922-23. In the face of His Excellency the Governor's order, I cannot reduce that period. If the supplemental demands are not considered the day after to-morrow, they must lie over."

The Hon'ble Sir CHARLES TODHUNTER:—"Would it be possible to take them the day after to-morrow at 5 p.m.?"

The Hon'ble the PRESIDENT:—"5-30 is the usual hour for adjournment."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I do not know whether the Hon'ble the Finance Member wishes us to understand that the supplementary estimate for which he wants the sanction of the House is not covered by previous permission of the Council."

The Hon'ble the PRESIDENT:—"We really cannot anticipate the discussion on the supplementary grants till they appear on the notice paper. I think the obvious course will be to take them up day after to-morrow seeing that the Finance Committee will have dealt with these grants to-morrow. The notice has been given to the Secretary. I do not know if the discussion on the grants will take more than an hour; of course it depends on the honourable members who take part in the debate. It is presumably the wish of the honourable members to facilitate the work of the Government, but I do not see how it can be managed unless we devote a portion of day after to-morrow to this work."

The Hon'ble Sir CHARLES TODHUNTER:—"It would be better to leave it till the end of the budget discussion. There is no very great urgency. It is desirable that the Finance Committee should examine the supplementary demands before they are placed before the Council."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Is it not necessary to obtain the sanction of the Council before the end of the financial year?"

The Hon'ble the PRESIDENT:—"The 28th March will be all right for that purpose."

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III

A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919.

The discussion of the Bill to amend the Madras City Municipal Act, 1919, which had been referred back to the select committee for further consideration was then taken up.

The Hon'ble the PRESIDENT :—" Honourable members are aware that the last time the Bill was before the House, it had under consideration an amendment proposed by the Hon'ble the Home Member, Sir Lionel Davidson, to clause 4 of the Bill. The amendment was—

From the explanation in sub-clause (1) *omit* the words ' thereof or of a portion thereof ' and the words ' at cost price or at less or more than cost price.'

" That was the amendment which was under the consideration of the House when the further consideration of the Bill was adjourned."

The Hon'ble Mr. P. RAMARAYANINGAR :—" When at the February sitting of the Council the report of the select committee on the Bill to amend the Madras City Municipal Act of 1919 was under consideration and the amendment to clause IV then tabled was discussed, some honourable members had their own doubts as to whether the object of the legislation would be fulfilled by the introduction of the amendment under discussion. Thereupon it was proposed that the subject should be referred back to the select committee for further consideration. Sir, as the result of further consideration by the select committee, an amendment has been drafted. The amendment stands in my name which, with your permission, I propose to move."

The Hon'ble the PRESIDENT :—" The House has before it already an amendment moved by the Hon'ble the Home Member. The first thing would be for him to withdraw his own amendment and leave the field clear for the Hon'ble the Minister for Local Self-Government."

The Hon'ble Sir LIONEL DAVIDSON :—" I am quite ready to withdraw my amendment if the House gives me leave. I am a party to the present amendment."

The amendment was by leave withdrawn.

The Hon'ble Mr. P. RAMARAYANINGAR :—" Sir, I now move the amendment that stands in my name :—

For the explanation in clause 4 (1) of the Bill *substituts* the following :—

' The purchase of provisions and other necessaries for sale to municipal subordinates.

Explanation.—' Salary ' for the purpose of this rule shall include the privilege, if any, granted by the Corporation of receiving payments in kind in lieu of the whole or a portion of the salary by purchasing the articles from the Corporation at such prices as the Corporation may fix from time to time.'

" Sir, this amendment is expected to cover the ground intended. I think there will not be any difficulty in the Council accepting this amendment."

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—" I second it, Sir."

3-15 p.m.

The Hon'ble Sir LIONEL DAVIDSON :—" Perhaps I may explain, Sir, that the amendment is for an addition at the end of a rule which contains a catalogue of the various objects upon which municipal expenditure is permissible. To the end of that catalogue another item is added. Then follows the revised ' explanation '. It is hardly intelligible without a reference to the schedule of the principal Act."

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The motion was carried.

Clause 4 (1) as amended was put to the House, passed and added to the Bill.

Then the preamble was put and passed and added to the Bill.

The Hon'ble Mr. P. RAMARAYANINGAR :—"I now move that the Bill be passed into law."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I second it."

The question that the Bill to amend the Madras City Municipal Act, 1919, be passed into law was put and carried."

The Bill was passed into law.

IV

A BILL TO AMEND THE INDIAN STAMP ACT, 1899.

The Hon'ble the PRESIDENT :—"The House will now take up the consideration of the Bill to amend the Indian Stamp Act, 1899."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, I beg to present the report of the select committee on the Bill to amend the Indian Stamp Act, 1899, and to move that the Bill as reported by the committee be taken into consideration".

The Hon'ble Sir LIONEL DAVIDSON :—"I second the motion."

The motion that the Bill to amend the Indian Stamp Act, 1899, as amended by the select committee be taken into consideration was put and carried.

The Hon'ble the PRESIDENT :—"I will now put this Bill to the House clause by clause. The preamble will come at the end, and the Hon'ble the Revenue Member will move it then. We will now take up clause 1."

CLAUSE 1.

Amendment 2.

Mr. P. VENKATASUBBA RAO :—"I beg to move the following amendment:—

2. *In sub-clause* (1) insert *the word 'Temporary' before the word 'Amendment.'*

"Sir, in spite of the fate of a similar amendment proposed by me yesterday, I do not think I shall be wrong in persisting in my attitude towards this Bill also. I see no justification for a permanent increase in the stamp duties. As there is some prospect of substantial remission of our contributions to the Imperial Government, they will not be as heavy as at present. During the discussion on the Court Fees Bill, it was some consolation to learn that a portion of the revenue proposed to be raised will be utilized for increasing the pay of the village officers. May I submit that increasing the pay of the village officers like all other services is a charge on the ordinary revenues of this presidency? Why was it not proposed to increase the taxation to meet the increase in the salaries and allowances of the gazetted officers? When the question of increasing the pay of these poor village officers comes up, proposals for additional taxation also come in side by side.

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14th March 1922] [Mr. P. Venkatasubba Rao]

Clause 1—*cont.*

Further, if this measure is to be temporary we will be able to control the Government and if we feel satisfied that they have made serious attempts to retrench, we can extend the duration of the Act until such time as the province's financial position becomes strong. Therefore the Government should not permanently increase the stamp duty. So, I move that the word 'temporary' be inserted before 'Amendment'."

Mr. P. T. RAJAN:—"I second the motion."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, having had the benefit of a very long and exhaustive discussion over the Court Fees Bill which lasted for a day and a half, I am glad, Sir, that some of the questions which are common to both pieces of legislation were discussed at an early stage. It was also contended in the case of the other Bill that it should be only a temporary measure. That question was discussed *ad nauseum* and the Council came to the conclusion that considering the present financial position and considering also its future position as far as it is able to see, there was no ground whatsoever in rendering any of these two pieces of legislation merely temporary. I am not able to see whether the honourable mover of this motion is such a good prophet as to assure us that from and after the next official year we are going to have a big windfall in the shape of an appreciable reduction in our contribution to the Government of India. Nor do I subscribe myself to the theory that he seems to have started that these two pieces of taxation were intended more or less to have their proceeds earmarked for the purpose of increasing the salaries of the village officials. These measures are as a matter of fact intended for the purpose of adding to the revenues of the Province and it cannot at all be gainsaid that the revenues of the province do need a substantial increase, even after this and the other Bill are passed into law. It will be absolutely apparent to honourable members that they do not go a great way for the purpose of wiping out the deficit with which the province is confronted, probably for some time to come. Therefore, there is no prospect at the present moment of diving into the future, no guarantee whatsoever that our revenues will develop suddenly from the next official year. Nor am I in a position to take such a rosy view of things as the honourable mover has been able to do. I therefore appeal to the House to reject this motion following the action which it took in regard to the other Bill."

Mr. T. ARUMAINATHA PILLAI:—"Sir, I rise to support the amendment as I supported a similar amendment on the previous occasion. But there was one thing with regard to the other Bill. The Hon'ble the Law Member was able to convince the House that, if necessary, it was in his power to reduce the court fees and that under section 35 of the Court Fees Act Government had power to reduce the court fee if there was no necessity for any such charge to exist. Unfortunately for the Hon'ble the Revenue Member I do not think there is any section in the Stamp Act equivalent to that and once this Bill is put upon the permanent statute book, unless we are willing, unless the Government is willing to put up another Bill to reduce the stamps, it will not be possible to do anything by the executive act. I have got up only to add this additional reason why this Bill should be temporary and not a permanent Act on the statute book."

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Clause 1—*cont.*

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, this Bill is merely a taxation Bill and the main objection raised for making it only temporary is that our finances are not likely to be very prosperous in the near future. I take objection to this statement. If we carefully go over the budget of this year, we see that there is a deficit of 75 lakhs under Excise. The fall in the excise is a temporary one and as stated by the Government is mainly due to the activities of the non-co-operation party. We do not know what will be the activities of the non-co-operation party hereafter, having regard to the great repressive policy now adopted by the Government.

3-30 p.m.

"There is a great difference between the sales of toddy shops and the sales of arrack shops when we take into comparison the fall of revenue in the month of October with that in the months of February and March. Sir, when that is the case, we will not be justified in expecting that there may be any fall in the excise revenue, of course, if everything goes on as it is. Regarding excise revenue, it is an expanding revenue and we know that the average growth of revenue under this head is more than 20 or 24 lakhs a year. When that is the case, we do not know what will be the policy in the future with regard to the excise revenue. As far as we can judge from the statement made the other day by the Hon'ble the Minister who is now in charge of this department, he only wanted to continue the existing policy, viz., 'make the maximum revenue with minimum consumption'. When there is not any change in the Ministership we will not be justified in expecting that there will be a fall in the revenue. The only disturbing element is the activities of the non-co-operation movement and we do not know what shape these activities will take and the House will not be justified in considering that there will be a fall in the revenue unless the Minister takes a different view. The Minister in charge of excise made us understand that he was not inaugurating any new policy. Of course the Hon'ble the Finance Member said that there was some difference in the views of some members of the House; of course he has not much to do with the views of the members of this House although he has got much to do with the views of his own colleagues and of whose views he must be cognisant of by this time.

"Our budget was presented with a deficit of 28 lakhs and it was said by the Hon'ble the Finance Member in his memorandum of the budget speech that this deficit was partly due to certain temporary elements that caused excess of expenditure, such as the disturbances by the Mapillas, and certain big adjustments regarding stationery and various other items. When this is the case the Government will not be justified in asking this House to imagine that financial prosperity of the province in the future will not be very rosy. After all, what my friends, the honourable members of this House say is: you do not make this a permanent Bill; if you are under the same circumstances as you are now, if after the preparation of the budget for the next year you find that the finances of the country are not bright enough, you may come again with another Bill to be put into force. I have got strong arguments in favour of these Bills being kept temporarily. As far as dyarchical system of Government is concerned, this House has really no control over the expenditure for the reserved subjects. For my part, I think that from this aspect of

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14th March 1922] [Mr. C. V. S. Narasimha Raju]

Clause 1—*cont.*

the budget it is satisfactory, i.e., whenever Government want to make taxation proposals to make both ends meet they must come to this House as they have now made proposals for all taxation Bills. Regarding taxation Bills, I do not think that His Excellency the Governor has got the right to make any bills temporary. I do not think this House will be justified in giving up its own rights of judging from time to time the financial needs of the country and then in a way influencing the reserved branch of the administration. Yesterday we had our own experience when the honourable member from Chittoor urged that unless the Government is going to yield in the matter of expenditure, i.e., the pay of the village officers, there was every chance of the Bill being made a temporary one; and immediately the Hon'ble the Revenue Member got up and gave us an assurance. That is a very convenient arrangement, and I do not think the House will be justified in passing this Bill as a permanent one and allowing the Government to have their own way in the preparation of the budget. I support the amendment which proposes that the Bill should be a temporary one. If it is to be a temporary measure, there will be no objection whatever in having this Bill enacted into law."

Mr. N. A. V. SOMASUNDARAM PILLAI:—"I beg to support this amendment. The present amendment in the Stamp Act works very great hardship upon persons who are concerned with that Act. Under this Act the duty is raised by about 50 per cent. If the finances of the country continue in the same state, the increased stamp duty will have to continue. But in the near future, say four or five years, we may be able to recoup our financial deficit. Therefore, there is no necessity at all to tax the people of this province permanently to such a high extent.

"So far as the Court Fees Act is concerned, there is provision 35 in that Act and as my honourable friend, Mr. Arumainatha Pillai, pointed out there is power vested in the Governor in Council to reduce the fees according to the first and second schedules of the Act. There is no provision at all embodied in the Stamp Act, and so if the Bill is made a permanent one there will be no hope of getting out of the enhanced duty that is now imposed under the present amended Act. For these reasons I would strongly support the amendment proposed."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I also rise to support this amendment. I wish to remind the House that we have to provide a distinction between the Court Fees Act and the Stamp Act. So far as the former is concerned, there are several who take the view that litigation is itself a luxury and that there is no serious injustice done in taxing the litigants to some extent. But so far as the Stamp Act is concerned, it affects the ordinary agriculturists and the ordinary trader and the people of ordinary means would find it very hard to pay the increased stamp duty provided under this Act. It may also be remembered that at the time of the discussion of the budget we were reminded of the various circumstances which led to the present deficit in the finances of the province. The causes which led to this deficit are to a large extent of a temporary character; and we all hope that those temporary causes would soon vanish and that we would be placed in a more substantial position in years to come. If the prophecy or wish of some honourable members of this Council that we might

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[Mr. A. S. Krishna Rao Pantulu] [14th March 1922

Clause 1—*cont.*

get a better state of things this year could not be realised, there is opportunity for the Government to come forward with a new temporary Bill or with a permanent Bill like the one now proposed. While considering this motion it is not necessary for us to consider as to how long or for what period this Bill is to remain in force, whether for one year or two years, or more. Whether the prophecy of the honourable mover who tabled the resolution is to be realised or not, it is open to every one of us here to consider whether a longer period is necessary for this Bill to be kept in operation.

"The only other point raised in this amendment is whether we are going to have it as a permanent piece of legislation or as a temporary one remaining in force for a certain number of years only. So far as this point is concerned, there ought to be no difference of opinion, because this Bill affects the ordinary trader and agriculturist, including the poorest among them."

Mr. K. V. RAMACHARI:—"I rise to support the amendment. It is admitted on all hands that India is already groaning under a very heavy taxation, and it is also admitted to be one of the causes of the discontent prevailing in the country. At the commencement of this financial year the Government of India raised taxation to the extent of about 18 crores of rupees (I may not be very correct on the statement of the figure, and am of course subject to correction); and there are proposals in the Indian Legislature for further taxing the people to the extent of about 30 crores of rupees. They are proposing to tax even the necessaries of life which will hit very hard upon the poor people. There are also proposals to enhance the Excise duty on cotton and the Import duty on machinery. It will certainly have a very baneful effect upon the industrial development of this country. So within a period of 12 or 13 months after the Reform Act came into operation, the taxes on the people of India have been enhanced to the extent of about 50 crores of rupees. In spite of all this, if this House desires to impose further taxation, I can only be sorry. If we are to satisfy our constituents whom we represent here, we ought not to give our assent to any fresh taxation. It is my strong desire that this Council should relegate any idea of further taxation to the limbo of oblivion at least for some time to come. Now let us look at the state of affairs prevailing just before the time of the Legislative Council elections when the non-co-operation movement had assumed a serious turn. It was then advising the people in general not to go to the poll for the purpose of electing candidates to the Legislative Council. At that time those who stood as candidates and the people who were co-operators with the Government had a great difficulty in persuading people to go to the poll by telling them that the Reform Act was not a curse as the non-co-operators represented it to be, but it was a blessing upon the people of India. Now, within a period of 14 months taxation has been raised to the extent of 50 crores of rupees, and we are trying to burden the people with further taxation. Are we now to go and say to the people that these are the symbols of the blessings of the operation of the Reform Act? I don't believe that anybody will say so. Therefore, it is certainly highly desirable in the name of fairness and justice, and in the name of good Government, that any further taxation ought not to be imposed upon the people. Moreover, I do not believe that there is any necessity for further taxing the people. As has been already represented, this year's deficit is the outcome of

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14th March 1922] [Mr. K. V. Ramachari]

Clause 1—*cont.*

a temporary fall in the Excise revenue, and in my speech of yesterday I said that the Non-co-operation movement is destined to die a natural death, and that all necessary measures are being taken by the Government to put down this movement with a high hand. Therefore, I do not believe that this fall in revenue will continue for ever. Therefore there is no necessity for any additional taxation to cover up a temporary deficit."

"Besides this there is another matter which we have to consider. The members of this House have repeatedly stated on so many occasions that there ought to be drastic retrenchments, and therefore at the end of this year we will find that large retrenchments are made as suggested, and large savings are effected. There is also another fact to be taken into consideration, namely, our contribution to the Government of India. I learn that this question was taken up in the Council of State and a resolution passed recommending that the contribution should be reduced; and I also heard that this question has also been moved in Parliament. So, Sir, from whatever sources we gather information, all go to strengthen the fact that the Government of India is likely to reduce this contribution to a large extent, if they do not remove the whole contribution. So, with the additional revenue from next year and the savings made by retrenchments effected this year, and with the expectation of a large reduction of our contribution to the Central Government, we have every cause for hope that there would be good prospects from next year. It has also been stated by some honourable members that there is no money for the industrial development of this province. So far as I see, nothing has been done till now in the way of the industrial progress of this province. Even if there is to be no money for industrial development, we can afford to wait a few years more as we have done in the past. But I believe that with the large savings and with a reduction in our contribution to the Imperial Government, large sums could be utilised for the industrial development."

3-45 p.m.

Diwan Bahadur M. Ramachandra Rao Pantulu:—"Sir, I should like to make a few observations in regard to the question whether this Bill to amend the Stamp Act should be made permanent or whether it should be a temporary measure. In the first place, honourable members would notice that there are a number of amendments that this Act (after being passed) should be in force either up to the 31st March 1923 or 31st March 1924. The present amendment wishes to carry out the same idea by the insertion of the word 'temporary' before the word 'amendment' in clause 1. So far as this amendment is concerned, if this is accepted, it would be necessary for one of the other amendments fixing the time up to which this Act should be in operation to be accepted. But the general question as to whether this should be a temporary measure or a permanent measure has been raised. Sir, I think I should bring it to the notice of honourable members that these two Bills, those relating to the Court Fees and Stamps, are expected to yield an additional income of about 70 lakhs of rupees according to the statement of the Hon'ble the Finance Member, and it is also stated that the present deficit has arisen on account of special causes which, it is more than likely, will disappear during the next year. Assuming for the sake of argument that they would not disappear, the Hon'ble the Revenue Member has certainly the opportunity to come back to this House and ask again for the

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Clause 1—*cont.*

continuance of this measure. I do not therefore see what difficulty there is in making this measure a temporary one as suggested in this amendment. What is the effect of making this permanent? The Hon'ble the Finance Member and the Hon'ble the Revenue Member are placed in possession of 70 lakhs of rupees for all time to come unless this Act is modified at their instance, for nobody else has got the right to do so. The result is that the Government can budget for expenditure at their pleasure. No honourable member in this House who is not connected with the Government has any right to initiate proposals for expenditure. Therefore it is that the English practice of keeping these measures current only for one year is a sound one. I would invite the attention of honourable members to Volume III of 'The Procedure of the House of Commons' by Redlich (page 126) relating to financial proposals, which says:

'Duties and taxes are imposed by Statute, and when a tax or duty has been imposed, it remains in force, in the absence of further statutory provision, for such period as may be prescribed by the Statute imposed by it. As regards the majority of taxes and duties the prescribed period is "until Parliament otherwise determine".'

"These are the most important words. It goes on:

'But with a view to maintaining Parliamentary control over taxation from year to year, a constitutional practice has been established whereby at least one important customs duty and one important direct tax are made subject to annual renewal. Accordingly whether the financial arrangements of any given year require the imposition of additional taxation or not, an Act must be passed every year to continue the expiring imposts; and when the Finance Bill, in which such renewal is proposed, is before the House, it is competent for any member to raise the question not only of the renewal of the particular imposts in question, but of the continuance of any other duty or tax, whatever may be the statutory time-limit, if any, prescribed for it.'

'For many years the tea duty and the income-tax have for this purpose been imposed year by year for one year only; but the reason for their annual renewal being purely constitutional, they, in practice, form no less than the duties and the taxes imposed "until Parliament otherwise determine," a part of the permanent taxation of the country. On the other hand, the income-tax, of direct taxes, and the tea duty, of the indirect taxes, are those which lend themselves most readily to variation of rate from year to year; it is convenient therefore that the sources of revenue to which the Chancellor of the Exchequer as a rule first looks, when he has to consider the adjustment of revenue to expenditure, should be those which must of necessity come under review.'

"I think honourable members would notice that the great advantage of making this Act a temporary one current for the next year or the year after that, is the opportunity that we would have of reviewing the whole situation and passing the financial expenditure of the Government under review, and refusing, if necessary, the renewal of this tax if, in the opinion of this Council, the expenditure which is to be proposed next year and the year after next does not meet with the wishes of this Council. Is the House going to forego that right, or is it going to make this taxation measure a permanent one, thus altogether declining your powers of scrutiny of the financial expenditure of the Government? On this broad ground I suggest that this measure should be made temporary for one year or for two years as suggested in many of the succeeding amendments. And if the Hon'ble the Revenue Member finds himself in exactly the same position as this year, certainly he can come forward before this Council and ask that this measure should be continued for some time to come. I therefore think, Sir, that every advantage is on the side of making this measure a temporary one as suggested in this amendment. I do not see why because there is a deficit of 100 lakhs or 105 lakhs

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14th March 1922] [Mr. M. Ramachandra Rao Pantulu]

Clause 1—*cont.*

of rupees this year, we should place at the disposal of the Government permanent resources which they might spend as they like, as no private member of this House has got the right to initiate proposals for expenditure? (A voice : 'You have'). We have only the right of vetoing, but the power of spending this money is in the hands of the Government. On these grounds I object to this measure being made permanent and I do not see why the Government is inconvenienced by making it current for only one or two years."

Rao Sahib S. ELLAPPA CHETTIYAR :—" Mr. President, Sir, I rise to support the motion, and in doing so, I want to say only very few words. The reason given by the Government for presenting this Bill is to make up the deficit in the budget for the year 1922–23. Such being the case, I do not understand why this Bill should be made permanent. If in the next year there is any such deficit, then this may be extended for one or more years. So I think that this measure may be made temporary."

The Hon'ble Sir CHARLES TODHUNTER :—" Sir, I wish I could share the irrepressible optimism of honourable Members who have spoken on this amendment. They seem to think that there is no danger whatever of our deficit continuing, that our excise revenue is going to come back, that we are going to get the whole of our contribution of 348 lakhs of rupees to the Government of India waived, that we are going to retrench enormous sums of money, and that we shall have so much money that we shall not know what to do with it. Now, Sir, I am sorry to repeat what I have already said, i.e., that the hope of the excise revenue returning cannot be realised if the other hopes of the House are to be realised. If there is to be a large reduction in the consumption of liquor—and this House wants to reduce the consumption of liquor—, I do not see how we can with any consistency count on a large increase in the excise revenue. As for the contribution to the Government of India, I am afraid that the honourable member who referred to that point has not read my Budget speech nor has he read the resolution passed in the Council of State. That resolution was nothing but a repetition of the words of the Devolution Rules. As for the Central Government being able to remit our contribution, I ask any honourable member who has read the Budget of the Government of India if he can honestly say that he anticipates that they are going to reduce the contribution of Rs. 348 lakhs payable by this province in the near future. As for retrenchment, I have already referred more than once to the statements which have been made here by members of the Finance Committee that we have made all the retrenchments which can be made without making radical changes of policy. It is possible that we may be able to effect greater retrenchments by making radical changes in policy, but this would take a lot of time and scrutiny and would very likely involve a modification of the law. So we cannot count on any early saving under that head. Again, I have stated to the House that we have got to reduce our debt, and if we are going to pay back this dead-weight debt, it will take something like 20 years to do it. Therefore, we want this money for those 20 years at any rate in order to pay back this dead-weight debt. So, Sir, I venture to think that the hope that we are going to be able to do without it either next year or the year after next is a vain hope. I only wish I could share the optimism of the honourable gentlemen who have given expression to it, but I am afraid it is quite without foundation."

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[14th March 1922

Clause 1—*cont.*

Mr. B. P. DEVARAJULU NAYUDU :—" Mr. President, Sir, I was one of those who voted against a similar amendment of the Bill to amend the Court Fees Act in this Council. Now, Sir, I rise to support this amendment. That itself may appear to be somewhat inconsistent, but, taking the whole situation into consideration, it looks as if there are many reasons, as stated by many of my honourable friends, for supporting this amendment. Some of my honourable friends also who opposed the former amendment are now coming forward to support this amendment. The reasons are these. I would start by saying that we need not even hope for better days nor need we hope even for a release of a portion of our contribution. We may not have much hope of getting more by effecting retrenchments. In spite of all this, there is nothing which is very objectionable in making this measure a temporary one. This Bill was started in the first instance for the purpose of covering up a deficit, and now it is attempted to be made a source of revenue for the development of general resources.

" Well, Sir, if this Bill had come at a time when we were overflowing with money in every direction, surely we could give our support to this Bill which is intended to add to our general resources. But what is our condition now ? We have so many imperial taxes and it is likely that the imposition of further taxes would have a serious effect upon us who are already paying any amount of taxation. I ask, Sir, whether it is not reasonable under existing circumstances to make this only a temporary measure, especially in view of the fact that the Government introduced it not with a view to make it an increasing source of general revenues but only for covering a deficit. Probably, if it was otherwise, the House would not have voted on the previous Bill—"

4 p.m.

The Hon'ble Sir CHARLES TODHUNTER :—" May I say, Sir, it was to increase the general resources or rather to replace money taken out of the general resources ? "

Mr. B. P. DEVARAJULU NAYUDU :—" The honourable member said that it was to cover the deficit caused by the fall in the excise revenue. There is no use imagining things that do not exist. From what we have been hearing from honourable members, we understood that the temporary fall was due to the mischievous factors that have been at work and that it was not due to any general movement on the part of the people. We can very well see that this state of affairs cannot be overcome soon and there is no use saying that there is hope of this revenue increasing in a short time.

" Then, Sir, there is the question of retrenchment. It is said that retrenchment has been carried to the maximum extent with due regard to efficiency—— "

The Hon'ble Sir CHARLES TODHUNTER :—" May I ask the honourable member to quote me correctly ? I said that this cannot be carried out without a radical change of policy."

Mr. B. P. DEVARAJULU NAYUDU :—" Without such a change of policy, if it is possible to give relief, where is the necessity for keeping it off and why not you begin it from time to time ? If not this year, we can commence it at least next year. I do not think that, if measures of this sort are made permanent radical changes would be made ; they would only be deferred and there will be no hope of realising it. So long as

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14th March 1922] [Mr. B. P. Devarajulu Nayudu]

Clause 1--*cont*

the Government will not save by reason of the fact that the deficit is going to be temporary, I think it stands to reason in all points that this measure should be a temporary one and not a permanent one. If, after one or two years, the future is not so rosy as some of us think, then there will be time enough to consider the question once again and then we shall be in a position to have more experience in the matter and then, if it is necessary, we can extend it. At any rate, there is no necessity to make this a permanent Bill."

Mr. O. TANIKACHALA CHETTIYAR :—" Sir, I rise to oppose this amendment for this reason. The Council gave permission for the introduction of two Bills—to amend the Court Fees and the Stamp Act. There has been a similar discussion with reference to the question as to how long this Bill shall be in force. After a great deal of deliberation we came to the conclusion that there shall be no limitation. I cannot therefore appreciate the idea that this is only a temporary measure. In spite of the financial stringency we have given a mandate to the Government that they shall undertake a liability for increase of pay of village officers. And when they once begin to give the increase, they cannot make it temporary for a year or two, and, for all practical purposes if not for legal purposes, the obligation will have to run for all time to come. Therefore, it is but right that Government should be provided with the sinews of war or the funds to which they can look to the payment of these charges on the services. I am aware that we have made proposals for retrenchment which, as has been pointed out, cannot be given effect to. But even when it can be given effect to after going through the necessary formalities of obtaining the sanction of the Secretary of State, unfortunately there is such a thing as the time-scale which makes this burden automatically increase year by year. However much there may be reduction, still there will be increase year after year. Therefore, I do not think that it is possible with the current revenue to meet this extra charge unless something is ear-marked for this particular purpose. My friend Mr. Ramachandra Rao referred to practices in England and quoted some instances. I believe such things as the yearly taxation or the renewal of the rates may be with reference to such taxes as income-tax or customs duty. But I do not believe that he will be able to cite an instance where such a thing as stamp duty which goes to determine a title or the validity of a title will be subject to fluctuation or vicissitudes from time to time (hear, hear). The great danger in changing or putting these things on an uncertain basis is that the titles to property after the lapse of a long standing would be open to question. It will be very difficult to say whether a particular document by which a title has been acquired was rightly stamped or insufficiently stamped at the time of its execution. And the questions of penalty and validation are really difficult matters. If my friend can quote such an instance, I shall only be very glad ——"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I may inform my honourable friend that the Stamp Acts have been in force in this country since the year 1860 and the rates have been varying from time to time in regard to instruments conferring titles, and there has been no difficulty felt."

Mr. O. TANIKACHALA CHETTIYAR :—" May I inquire if at any time a rate previously in force was reduced? "

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[14th March 1922

Clause 1—*cont.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, I am afraid I cannot undertake to deliver a dissertation upon the history of the Stamp Act in this country. But all that I can say, Sir, is that if you are going to have a system of taxation there must be a method of varying it in order to suit the actual deficit. If my honourable friend contends that this is an unsound proposition, I have nothing to say. It may be that in this instance we are dealing with court-fees and stamps. If, for example, the deficit is wiped off next year, Mr. Tanikachala Chettiyar may still retain it for the sake of continuity."

Mr. O. TANIKACHALA CHETTIYAR :—"I do not propose to answer hypothetical questions. My friend was not able to give me an instance where there have been fluctuations that go forward and recede. Therefore, I do not believe that this principle, which he quoted from parliamentary practice is a thing on which we can safely rely for guidance. Some hope has been expressed that there will be a reduction in the contribution due to the Central Government. I am not so optimistic. But I am sure there will be a re-adjustment, and the proportion of our liability to other Provinces may be altered. But I see also some indications that this re-adjustment or throwing into the melting pot Lord Meston's award, is made with some ulterior object of making all the provinces liable for more than the present amounts and in that way increasing the deficit rather than taking away the burden from us. So, I am not very hopeful of that course, Sir.

"Another thing, I would say, is that in various provinces, where such amendments have been undertaken, there has been no such limitation as to time as we are here trying to impose. Moreover these Acts are Government of India Acts; and, but for the fact that the revenues have now become provincial sources of revenue, it may have been undertaken by the Government of India itself, and, if they had an opportunity of revising it for the purpose of revenue, they would not have made it to be in force for different periods for different provinces. Having regard to the fact that in no other province this limitation was attempted, I think, we ought also to follow that example and not to try to limit it to one or two years, thereby jeopardising the chances of increase which has been promised by the Government in the pay of village officers. In these circumstances, I would appeal to the House not to give a different treatment to this Bill."

The Hon'ble Mr. P. RAMARAYANINGAR :—"I move that the question be now put."

The motion for closure was put to the House and declared carried.

The amendment was then put to the House and a poll was taken with the following result :—

Ayes.

1. Mr. B. P. Devarajulu Nayudu.
2. Rao Sahib S. Ellappa Chettiyar.
3. Rao Bahadur K. Gopalakrishnayya.
4. Mr. C. Ramalinga Reddi.
5. Mr. K. A. Kandaswami Kandar.
6. Mr. J. Kuppuswami.
7. Mr. A. T. Muttukumaraswami Chettiyar.
8. Mr. V. Pakkiriswami Pillai.
9. Mr. P. T. Rajan.
10. Rao Bahadur A. Ramayya Punja.
11. Mr. T. Somasundara Mudaliyar.
12. Mr. N. A. V. Somasundaram Pillai.
13. Mr. P. Subbarayan.
14. Mr. T. C. Tangavelu Pillai.
15. Mr. V. C. Vellingiri Goundar.
16. K. C. Venkatachala Reddiyar.
17. Mr. P. Venkatasubba Rao.
18. Diwan Bahadur M. Ramachandra Rao Pantulu.
19. Diwan Bahadur L. A. Govindaraghava Ayyar.
20. Rao Bahadur A. S. Krishna Rao Pantulu.

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Clause 1—*cont.*

Ayes—cont.

21. Mr. C. V. Venkataramana Ayyangar.
22. Rai Bahadur T. M. Narasimhacharlu.
23. Rao Bahadur C. V. S. Narasimha Raju.
24. Mr. K. V. Ramachari.
25. Rao Sahib U. Rama Rao.
26. Mr. A. Ranganatha Mudaliyar.
27. Mr. M. Suryanarayana Pantulu.
28. Mr. T. Arumainatha Pillai.
29. Mr. Abbas Ali Khan Bahadur.
30. Mr. Ahmad Miran Sahib Bahadur.

Noes.

1. The Hon'ble Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-lah Sahib.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, Mr. P. Ramarayaningar.
6. ,, Rai Bahadur K. Venkata Reddi Nayudu.
7. ,, Rao Bahadur A. P. Patro.
8. Mr. C. P. Ramaswami Ayyar.
9. Mr. T. E. Moir.
10. Mr. N. E. Marjoribanks.
11. Mr. F. J. Richards.
12. Mr. C. W. E. Cotton.
13. Mr. R. Littlehailes.
14. Mr. E. Periyanayakam.
15. Mr R. K. Shunmukham Chettiyar.
16. Mr. A. Ramaswami Mudaliyar.
17. Mr. R. Appaswami Nayudu.
18. Diwan Bahadur Sir P. Tyagaraya Chettiyar.
19. Mr. O. Tanikachala Chettiyar.
20. Mr. W. Vijayaraghava Mudaliyar.
21. Mr. B. Muniswami Nayudu.
22. Mr. C. Natesa Mudaliyar
23. Mr. W. P. A. Saundara Pandia Nadar.
24. Mr. S. Somasundaram Pillai.
25. Diwan Bahadur R. Venkataratnam Nayudu.
26. Diwan Bahadur M. Krishnan Nayar.
27. Rao Sahib E. C. M. Mascarenhas.
28. Khan Sahib Abdur Rahim Khan Sahib Bahadur.
29. Mr. L. C. Guruswami.
30. Mr. R. T. Kesavalu Pillai.
31. Rao Sahib P. Venkatarangayya.
32. Sir J. F. Simpson.
33. Mr. A. M. MacDougall.

The amendment was lost, 30 voting *for* and 33 *against* it.

Amendment 3.

4-15 p.m. The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I beg to move—

3. *In sub-clause* (2) *for the words 'Fort St. George,' substitute the word 'Madras'.*

" This and a few other amendments which appear on the agenda in my name are more or less of a formal nature intended and designed to bring this Bill also into line with the phraseology which has been employed in the Court Fees Bill, which the Council was considering and which had the benefit of being revised by my honourable colleague the Law Member. I have therefore taken shelter under the phraseology employed by him and have tried to make the phraseology of this Bill as elegant as in the other one. As I said, this is more or less of a formal nature."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I second it."

The amendment was put and carried.

Amendments 4 *to* 7.

The following amendments were not then moved and were therefore deemed to have been withdrawn :—

Mr. P. VENKATASUBBA RAO :—

4. *Omit the full stop at the end of sub-clause* (2) *and* add *the following :—" and shall remain in force till* 31*st March* 1923."

Mr. B. MUNISWAMI NAYUDU :—

5. *Add the following as sub-clause* (3) :—

" *This Act shall come into force on the* 1*st day of April* 1923."

Mr. T. ARUMAINATHA PILLAI :—

6. *Add the following as sub-clause* (3) :—

" *This Act shall remain in force till* 31*st March* 1923."

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Clause 1—*cont.*

Mr. P. SIVA RAO :—

7. *Add the following as sub-clause* (3) :—

" *This Act shall be in force till the* 31*st of March* 1924."

Clause 1, as amended, was then put, passed and added to the Bill.

CLAUSE 2.

Amendment 8.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I beg to move—

8. *For the existing clause substitute the following* :—

In this Act the words ' *the Principal Act* ' *shall mean the Indian Stamp Act*, 1899.

" The reasons are the same as those I explained already."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I second it."

The motion was put and carried.

Clause 2, as amended, was then put, passed and added to the Bill.

CLAUSE 3.

Amendment 9.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I beg to move—

9. *For the words* ' *the said Act* ' substitute *the words Principal Act*."

Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The motion was put and carried.

Clause 3, as amended, was then put, passed and added to the Bill.

CLAUSE 4.

Amendment 10.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I beg to move the following amendment :—

10. (i) For *the words* ' *the said Act* ' substitute *the words* ' *the Principal Act*.'

(ii) *In the fifth line of the proviso* omit *the words* ' *to this Act*.'

(iii) *In the seventh and eighth lines of the proviso* omit *the words* ' *under this Act* ' *after the word* ' *chargeable*'.

(iv) *In the ninth, tenth and eleventh lines of the proviso* omit *the words mentioned in clauses* (aa) *and* (bb) *of this proviso as the proper duty therefor respectively*.'

(v) *In* (aa) *and* (bb) *for the words* ' Fort St. George ' substitute *the word* ' *Madras* ' ".

Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The motion was put and carried.

Clause 4, as amended, was then put, passed and added to the Bill.

CLAUSE 5.

Amendment 11.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I beg to move—

11. *For the words* ' *the said Act* ' substitute *the words* ' *the Principal Act* '."

Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The motion was put and carried.

Clause 5, as amended, was then put, passed and added to the Bill.

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CLAUSE 6.

Amendment 12.

The Hon'ble Khan Bahadur MUH'AMMAD HABIB-UL-LAH SAHIB Bahadur :—" I beg to move—

12. *For the words 'the said Act' substitute the words 'the Principal Act'.*"

Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The motion was put and carried.

Clause 6 as amended was then put, passed and added to the Bill.

CLAUSE 7.

Amendment 13.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I beg to move—

13. *In the fifth line of the clause for the words "Fort St. George" substitute the word "Madras".*'

Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The motion was put and carried.

Clause 7 as amended was then put, passed and added to the Bill.

CLAUSES 8 to 12.

Clauses 8 to 12 were then put, passed and added to the Bill.

A NEW CLAUSE AFTER CLAUSE 12.

Amendment 14.

Mr. T. ARUMAINATHA PILLAI :—" I beg to move the amendment—

14. *After clause* 12 *add the following new clause as clause* 13 *and re-number the present clause* 13 *as clause* 14 :—

'*Notwithstanding anything contained in this Act, Articles* 23, 33 *and* 40 (*a*) *of Schedule I of the Indian Stamp Act,* 1889, *shall be applicable to the instruments covered by the said article in respect of properties within the city of Madras as defined by the Madras City Municipal Act IV of* 1919.'

" The reason why I want this new clause to be added is this. The articles which I referred to in my proposed amendment refer to the following instruments :—Article 23 refers to sales, Article 33 refers to gifts and Article 40 (*a*) refers to mortgage with possession. Section 135 of the Madras City Municipal Act runs thus : 'The duty on transfers of property shall be levied in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1889, on instruments of sale, gift and mortgage with possession of immovable property situated within the limits of the city which may be executed after the commencement of the Act at a rate not exceeding 2 per centum on, as the case may be, the amount of the consideration, the value of the property or the amount secured by the mortgage, as set forth in the instrument.' Since the Municipal Act was passed, the Government of Madras has issued a notification that the class of instruments mentioned in this section of the City Municipal Act would be liable to have a surcharge of 1 per cent levied on them. Now, Sir, up to this time, the case has been like this. When this 1 per cent was not due to the Madras Municipality the persons who execute instruments of this sort will have to pay at the rate of Rs. 10 per thousand rupees. That comes to 1 per cent. Now, after the City Municipal Act has come into force, the persons within the city actually pay 2 per cent though the Government does not get the full 2 per cent. Though it gets

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A new clause after clause 12—*cont.*

only 1 per cent, the other 1 per cent goes to the municipality. The difficulty is this: that after the Municipal Act was passed, the residents of Madras City have to pay 2 per cent upon those deeds, while persons in the mufassal have been paying 1 per cent. Now, if you are going to increase the 1 per cent duty which will go to the Government to 1½ per cent as proposed under the Stamp Act, and if you add to it the duty liable under section 135 of the City Municipal Act, then the persons will have to pay 2½ per cent stamp duty on the value of these instruments. In order that the residents of Madras may not be very much damaged, I would submit, Sir, that the old rate be retained only so far as these three instruments are concerned upon which the properties within the city of Madras will have to bear this surcharge. I do not believe there is much to be said about these things, and the Government would not be anxious to impose a heavy burden upon these people. Therefore, I move this amendment, Sir."

Mr. O. TANIKACHALA CHETTIYAR :—"I second the motion made by my friend Mr. Arumainatha Pillai, though I have a little difference as to the reading of this section 135 of the City Municipal Act. As I understand it, the duty in respect of these three classes of instruments covering properties situated in the city of Madras, namely, instruments of sale, gift and mortgage with possession, shall, notwithstanding the provisions of the Act now before the House, be subject according to section 135 of the Municipal Act to a duty not exceeding 2 per cent, so that if the duty which the corporation is authorized to collect is 2 per cent or anything less, that amount will pass over to Government. It will be seen from section 137 what the duty is that is in force in British India or in the Madras Presidency. Section 137 says: 'The Governor in Council may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the corporation and the deduction of any expenses incurred by the Government in the collection thereof.' This duty of 2 per cent is being collected by the Madras Corporation and there being no exemption in favour of the corporation or in modification of this section 135, the Government will collect this 1½ per cent which is provided for by this new Act and the corporation will be put to the loss created by this amendment, so that by a stroke of the pen the corporation, without any specific notice, will be robbed of Rs. 75,000. I believe the surcharge out of this tax which they collect under this section amounts to as much as Rs. 1·30 lakhs to Rs. 1·50 lakhs. Therefore, if this half per cent which is now the amount by which this tax is raised in this Presidency, is deducted from the surcharge which the corporation has been allowed to raise under section 135, this will be a loss inflicted on the corporation. It could not have been intended that the corporation should suffer any loss of revenue in this manner or that Government should help itself in this way. Nor could it have been intended by the framers of the Act that the properties in the city should be subject to more than 2 per cent, whereas all the properties situated in the mufassal are only subject to 1 per cent. If you intend to raise the tax by half per cent, it is not intended thereby to raise the burden upon the owners of properties in Madras. Therefore, I support this amendment."

4-30 p.m. The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, except it be that there is anything like a desire on the part of the honourable mover and seconder of the

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14th March 1922] [Mr. Muhammad Habib-ul-lah Sahib]

A new clause after clause 12—*cont.*

amendment to claim a differential treatment on behalf of the citizens of Madras in respect of the fees in Schedule 1-A, I can hardly follow the line of argument that has been adduced so far. If I understand the position aright, the only right which the Madras Corporation possesses at the present moment under section 135 of the City Municipal Act is to claim a surcharge towards its own revenue represented by a certain percentage on the stamp duty levied in respect of the documents executed within the city of Madras. To that extent, its right has in no way been abrogated by the provisions of the Bill that we are now considering. What the Madras Corporation has until now been doing, it will continue to do under the future and altered state of affairs. For, nowhere in the clauses which precede this schedule, nor in the schedule itself relating to the three particular items that have been specifically mentioned has any attempt been made for the purpose of abrogating or doing away with the privilege which the Madras Corporation enjoys under section 135 of the City Municipal Act. If until now the Madras citizen has been paying a particular fee for any document which he executed, in future he, in common with his brethren in the mufassal, will have to pay an additional fee and the Madras Corporation in exercise of the right which they obviously possess under section 135 and which, let me repeat, has not been abrogated or attempted to be abrogated, will continue to get their own share of the proceeds from this taxation. I can hardly therefore see, Sir, what fear is lurking in the minds of the honourable member Mr. O. Tanikachala Chettiyar, why he is alarmed at the idea that the resources of the corporation are going to be in any way crippled on account of the revision of the schedule or how the honourable mover is going to justify his position that what is sauce for the goose need not be sauce for the gander. For, if the mufassal people are going to be called upon to pay a higher rate of fee in future on account of the transactions which they will enter into, I can hardly see any justification why the citizens of Madras should go scot free. I think justice, equity and all considerations alike demand that there should be no sort of difference of treatment between individuals and individuals and much less between the happy citizens of Madras and those living in the mufassal. I am therefore unable, Sir, to see the exact force of the arguments that have been advanced by the two honourable members who have spoken on the amendment and I fail to see that the present schedule will in any way affect the revenue prospects of the Madras Corporation."

Mr. O. TANIKACHALA CHETTIYAR :—"I wish to rise to offer a personal explanation, Sir. I contend that the City Municipal Act, section 135, imposes on the corporation or transfers to it the duty of collecting taxes on instruments of sale, gift and mortgage with possession. The total sum that is now being collected is 2 per cent. And until now, under the Act which is in force, the corporation is collecting both on its own behalf and on behalf of Government and is paying over to Government the surplus after deducting 1 per cent. Now, what would happen if this Act was passed without the amendment of Mr. Arumainatha Pillai is that the corporation will collect no more than 2 per cent and it will have to pay, in pursuance of the amended Stamp Act, 1½ per cent to the Government with the result that the corporation will be left with only a half per cent. The Hon'ble the Revenue Member has asked why the Madras citizen should enjoy an advantage over the mufassal citizen. I am not claiming any advantage for him. But all that I say is that they have been already subjected to a

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A new clause after clause 12—*cont.*

greater hardship or a greater liability than the mufassal people. Now that you are raising the stamp duty, only bear in mind that you have already been imposing 2 per cent on Madras when it was 1 per cent in the mufassal and do not make the burden on Madras property more than 2 per cent. I am not asking for any exemption or any reduction. I am only seeking under section 135 of the City Municipal Act to safeguard the corporation against a loss."

The Hon'ble the PRESIDENT :—"I am afraid the honourable member has delivered a long speech which has far exceeded the limits of a personal explanation."

Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, Sir, no doubt under section 135 of the Madras City Municipal Act the duty on transfers of property is levied in the form of a surcharge and that surcharge is 2 per cent. There is considerable force in the contention advanced by the honourable member Mr. Tanikachala Chettiyar that if the Government deducts the increased duty the corporation's resources will only be decreased to half per cent. That is very good argument if the corporation's resources need replenishment for amending the City Municipal Act, but it seems to me that it has not very much bearing on the present question."

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I have been listening very carefully to my friend Mr. Tanikachala Chettiyar and also to the Hon'ble the Revenue Member and I understand the position to be this. The corporation instead of being a loser will be a gainer because, as I understand it, the corporation gets 2 per cent on the stamp duty, irrespective of the persons who collect it, collected under these three classes of instruments in respect of properties situated within the limits of the city of Madras. In respect of the stamp duty the corporation, I suppose, gets 2 per cent on the total duty collected."

Mr. O. TANIKACHALA CHETTIYAR :—"I rise to make a correction, Sir. It is not 2 per cent on the total collection but 2 per cent of the value of the properties that is the duty charged by the corporation. Out of that the Government take their share and the balance is left to the corporation and not the whole 2 per cent. It is rather 2 per cent of the consideration money."

Mr. T. ARUMAINATHA PILLAI :—"So far as the reading of section 135 is concerned, my friend Mr. Tanikachala Chettiyar has put forth one view of the question and the Hon'ble the Advocate-General has been frank enough to confess that there might be some difficulties so far as the corporation is concerned which requires an amendment of the City Municipal Act. The Hon'ble the Revenue Member was not able to see how there was any difficulty so far as the citizens of Madras are concerned. People who were executing a document of sale for say Rs. 2,000 had to pay under the old Act Rs. 20 and Rs. 20 plus Rs. 20 after the City Municipal Act came into force. After this Act comes into force, according to my interpretation, they will have to pay Rs. 30 plus Rs. 20 or Rs. 50. So already the people are paying Rs. 40, not 1½ per cent which the Hon'ble the Revenue Member wants to increase now, but they were paying 2 per cent, i.e., half per cent over and above what the Hon'ble the Revenue Member wants to increase by this Act. They are to pay a still larger amount now. That is the difficulty and it is not a luxury that the Madras citizens do require, but they are already over-burdened and that is the burden which I now want to lessen."

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A new clause after clause 12—*cont.*

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, I want to say only one word. Whatever might have been the case, there has been some difference between the mufassal people and the people in the city and the difference is 1 per cent. On hearing Mr. Tanikachala Chettiyar's argument, I do not know whether Mr. Arumainatha Pillai is correct. What seems to be the fact is this. If it is a question of Rs. 100, two rupees are collected by the Corporation out of which one is paid at present to the Government. If this Bill is passed, the Corporation has to collect Rs. 2 and to pay Rs. $1\frac{1}{2}$ and the remaining half will only remain. Hence Mr. Tanikachala Chettiyar argues that the Corporation is made to lose by this Act. What I would say is that the Corporation should not be made to lose. As the Hon'ble the Advocate-General suggested, by an amendment of the City Municipal Act the citizen of Madras should be made to lose. And that is to say, if up to this time he was paying Rs. 2 when the mufassal people were paying Re. 1, he must be made to pay Rs. 2-8-0 to cover the one and a half rupees to the Government and one rupee to the Corporation. There is no reason when a mufassal man is made to pay an increased stamp duty as to why the Madras man should not be called upon to pay more either for the security that he is enjoying, or for the comforts at Madras, whatever they may be. The Advocate-General has very well said that the only thing which the Corporation wants is to be saved from any loss and that could be done by an amendment of the City Municipal Act. There is no reason, so far as I can see, why the burden should be increased for the mufassal man and not for the town man. I therefore think that the amendment is out of place, its proper place being in the City Municipal Act and not in the present Bill."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I also wish to point out, Sir, that all that has been said on the amendment would justify an amendment of the City Municipal Act or of the arrangement which has been entered into under the Act between the Government and the Corporation. That would mean that, so far as the provisions of some of the articles are concerned, there should be a departure so far as the city of Madras alone is concerned. This will be introducing a wrong procedure for a long time to come. There have been some disabilities as pointed out by the honourable the mover in the case of some of the properties situated in Madras. But then the best course would be for my honourable friend to come forward with a Bill to amend the City Municipal Act rather than ask for any exceptional treatment to be meted out to Madras. For these reasons I oppose the amendment proposed."

4-45 p.m.

Mr. N. A. V. SOMASUNDARAM PILLAI :—"Mr. President, I beg to support the amendment. The honourable member Mr. A. S. Krishna Rao said that the Madras City Municipal Act must be amended so that a greater burden may be thrown on the citizens of Madras, for this simple reason that hitherto they were paying 2 per cent; why not they be now asked to pay $2\frac{1}{2}$ per cent. That is not the view to take at all. If we have hitherto been suffering under the weight of some burden, why should that burden be added to now simply because the duties have to be raised? Therefore it is much better to leave the Madras citizens with all the burdens they are already labouring under instead of adding to them. With these few words, Sir, I would strongly support the amendment that has been moved."

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A new clause after clause 12—*cont.*

The Hon'ble Khan Bahádur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I have to say only one word, Sir, in reply to the remarks that have fallen from the last speaker. He seems to be labouring under the impression that we intended to levy an additional burden on the citizens of Madras over and above what falls to the lot of the mufassal citizen. All that we now intend to do is to place on the citizen of Madras the same proportion of burden as is now placed on the mufassal citizen. The only complaint made was that as a result of this the Madras Corporation was losing something out of its normal revenue. As has been very well pointed out. Sir, if that is really so, it is a question which should be carefully examined and the necessary adjustment whether in the law or in the existing arrangements between the Government and the Corporation should be effected, but not by introducing an invidious distinction in this measure between the Madras citizen and the mufassal citizen."

A poll was taken with the following result.

As the poll was being taken, when the names of the members who were for the amendment in the second block were being called out, there were some noise and gesticulation in that block, and the Hon'ble the President observed as follows:—

"Order, order. When polling is going on it is not permissible for any honourable member to ask any other honourable member by word of mouth or by gesture to vote or not to vote in a particular way."

Ayes.

1. Mr. K. Adinarayana Reddi.
2. Sir P. Tyagaraya Chettiyar.
3. Mr. C. Ramalinga Reddi.
4. Mr O. Tanikachala Chettiyar.
5. Mr. B. Muniswami Nayudu.
6. Mr. A. T. Muttukumaraswami Chettiyar.
7. Mr. M. Narayanaswami Reddi.
8. Mr. C. Natesa Mudaliyar.
9. Mr. P. T. Rajan.
10. Mr. W. P. A. Saundara Pandia Nadar.
11. Mr. N. A. V. Somasundaram Pillai.
12. Mr. S. Somasundaram Pillai.
13. Mr. P. Subbarayan.
14. Mr. T. Arumainatha Pillai.

Noes.

1. The Hon'ble Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, Mr. P. Ramarayaningar.
6. ,, Rao Bahadur K. Venkata Reddi Nayudu.
7. ,, Rao Bahadur A. P. Patro.
8. Mr. C. P. Ramaswami Ayyar.
9. Mr. T. E. Moir.
10. Mr. N. E. Marjoribanks.
11. Mr. F. J. Richards.
12. Mr. C. W. E. Cotton.
13. Mr. R. Littlehailes.
14. Mr. E. Periyanayagam.
15. Mr. R. K. Shanmukham Chettiyar.
16. Mr. A. Ramaswami Mudaliyar.
17. Mr. B. P. Devarajulu Nayudu.
18. Rao Bahadur K. Gopalakrishnayya.
19. Mr. V. Pakkiriswami Pillai.
20. Diwan Bahadur R. Venkataratnam Nayudu.
21. Diwan Bahadur M. Ramachandra Rao Pantulu.
22. Rao Bahadur A. S. Krishna Rao Pantulu.
23. Mr. C. V. Venkataramana Ayyangar.
24. Rai Bahadur T. M. Narasimhacharlu.
25. Rao Bahadur C. V. S. Narasimha Raju.
26. Mr. A. Ranganatha Mudaliyar.
27. Mr. M. Suryanarayana Pantulu.
28. Rai Sahib E. M. Mascarenhas.
29. Mr. Abbas Ali Khan Bahadur.
30. Mr. Ahmad Miran Sahib Bahadur.
31. Mr. Abdul Qasim Beari Sahib Bahadur.
32. Khan Sahib Muhammad Abdur Rahman Sahib Bahadur.
33. Saiyid Diwan Abdul-Razaaq Sahib Bahadur.
34. Mr. L. C. Guruswami.
35. Rao Sahib P. Venkatarangayya.

The motion was lost, 14 having voted *for* and 35 *against*.

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CLAUSE 13.

Amendment 15.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, the amendment is—

15. *For the words 'to the said Act,' substitute 'of the Principal Act'.*"

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I second it."

The motion was put and carried and the substitution was made.

Amendment 15-*A*.

The following amendment which stood in the name of Mr. T. Sivasankaram Pillai was not moved :—

15-*A*. *In the second column against item* (*a*) *omit the word 'Bottomry' and substitute* '13' *for* '14'.

SCHEDULE I-A, ARTICLE 11.

Amendment 16.

Mr. N. A. V. SOMASUNDARAM PILLAI :—" Mr. President, the amendment that I beg to move is—

16. *In the second column against item* (*b*) *omit the word 'fifty' and insert instead 'twenty-five.'*

" This relates to the stamp duty payable on award, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the court in the course of a suit. The duty hitherto payable was, where the amount or value of the property to which the award related, as set forth in such award, does not exceed Rs. 1,000, the same duty as a bond (No. 15) for such amount, that is, at the rate of As. 8 for Rs. 100. In any other case it was Rs. 5. That was the maximum amount fixed hitherto as stamp duty payable on such awards. In the present Bill, the duty that is now sought to be raised is, where the amount or the value of the property to which the award relates, as set forth in such award, does not exceed Rs. 1,000, the same duty as a Bottomry Bond (No. 14). That would be at the rate of As. 12 for Rs. 100. In the place of As. 8 which was the amount leviable before, it is now As. 12 for Rs. 100.

" Then with regard to (*b*), if it exceeds Rs. 1,000, but does not exceed Rs. 5,000, it is Rs. 10, whereas the original maximum amount was only Rs. 5. Now even above Rs. 5,000 the duty is Rs. 10 plus As. 8 for every Rs. 1,000, subject to a maximum of Rs. 50 for every additional Rs. 1,000 or part thereof in excess of Rs. 5,000. Even with regard to clause (*b*) which imposes Rs. 10 for an amount of award exceeding Rs. 1,000 but below Rs. 5,000, I do not object. But for every additional Rs. 1,000 or part thereof in excess of Rs. 5,000, As. 8, subject to a maximum of Rs. 50, is levied. With regard to that maximum alone I say that it is excessively high. It ought to be reduced to Rs. 25. There is really no proportion whatever observed in the enhancement of the duty with regard to certain instruments. In the place of Rs. 5, we have got to Rs. 10 now. So far as these private awards are concerned, parties have some common sense, and if possible they do not want to go to civil courts for the settlement of their disputes. They resort to private arbitration, and the arbitrators express their decision in writing, and that is called an award ; and it has to be written on a stamp paper to avoid its being made liable to a penalty when filed in a court. Of course the Hon'ble the Revenue Member has thought it prudent that there should be a maximum with regard to the duty payable on such

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Schedule I-A, Article 11—*cont.*

awards, but I beg to submit that to fix Rs. 50 maximum in the place of Rs. 5 is unduly high. It will work very great hardship upon poor persons who want to have such disputes settled privately outside the court, and this will certainly not give them any inducement to have recourse to private arbitration. Therefore in the interest of the common people, it is much better to have it reduced to Rs. 25.

"I would also beg to point out to the House one difficulty that is now felt with regard to these awards. The persons who resort to such arbitration are most of them villagers altogether ignorant of the provisions of the Stamp Act and they generally have the award written on plain paper, and when the matter comes up to a civil court, they have to pay a penalty. An examination of the list of penalties collected, so far as these awards are concerned, shows that hitherto Government have been collecting eleven times Rs. 5, i.e., Rs. 55, penalty. As a matter of fact that these awards are written on plain paper is merely due to their ignorance, and for that they are obliged to pay ten times stamp duty as penalty. Now it is raised by Rs. 50, and if through some mistake or other an award happens to be written on a plain paper, the penalty payable now will come to Rs. 550. That is also one of the circumstances to be taken into account in fixing the amount of duty leviable with regard to such instruments.

"Therefore, I would leave this amendment to the kind acceptance of the House taking into consideration the circumstances in which the villagers are placed at present, their want of education, ignorance of the people with regard to these matters, and seeing also that the duty that is now sought to be raised is raised by a very large amount. In fact, it will be raised from Rs. 5 to Rs. 25 if my amendment is accepted. With these words, I leave the amendment to the kind acceptance of the House."

Rao Bahadur C. V. S. Narasimha Raju seconded the motion.

5 p.m

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I should like to follow the line of argument of the honourable the mover of this motion, particularly in view of his pathetic peroration on behalf of the poor ryot, the ignorant ryot and the unfortunate ryot who would find it hard according to him to shell out such a large sum as Rs. 50 in the shape of stamp duty under this vicious Bill. But, Sir, may I draw the attention of the honourable member that such sympathy would have been better deserved had he only extended it on behalf of those who came under sub-clauses (*a*) and (*b*)? He has, however, chosen to confine his sympathy to individuals who come under sub-clause (*c*). Let us examine who will be the poor individuals that will be affected by this fee of Rs. 50. Now, Sir, it is obvious that it is only in respect of property whose value is not less than Rs. 85,000, that a fee of Rs. 50 will be collected. May I ask now in the name of common sense whether a man who possesses Rs. 85,000 should be regarded as a poor individual deserving sympathy and compassion of this House and whom this morning the Hon'ble Sir Charles Todhunter wittily christened as the 'poor rich'? Further, Sir, I may say that this question engaged the attention of the select committee very carefully and from the nature of the types in which some of these figures have been printed, it will be noticed that the alterations represented by them have been made by the select committee itself. Sir, you will find that the item of ten rupees which has been entered thereunder as also the item of Rs. 50 were entered by the select committee. While

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14th March 1922] [Mr. Muhammad Habib-ul-lah Sahib]

Schedule I-A, Article 11—*cont.*

doing so, it carefully considered one aspect of the question and that was this. In respect of property costing Rs. 85,000 and for which an award has been entered into, the sum that that 'poor rich' man is called upon to pay is no more than Rs. 50. For the purpose of deciding a claim in respect of Rs. 85,000 according to the Court Fees Bill which we passed this morning, he will have to pay a court fee of no less than Rs. 2,000 to begin with, let alone the incidental and other expenses as also a large and respectable fee for the member of the legal profession who may appear. Now, Sir, he saves all this expenditure by a mere trifle of Rs. 50 and he is able to settle a dispute with regard to property worth Rs. 85,000 and brings about a document in his favour just as good as a decree of a court."

Mr. C. V. VENKATARAMANA AYYANGAR:—"More valid."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"More valid, I am told, because in the case of an award there can be no appeal whatsoever. Therefore, I would ask the honourable the mover whether he is really pressing this motion on behalf of the 'poor rich' in respect of a property worth Rs. 85,000."

Mr. N. A. V. SOMASUNDARAM PILLAI:—"Mr. President, I have not been able to follow the reasoning of the Hon'ble the Revenue Member. Perhaps the Hon'ble the Revenue Member thinks that if a man has got properties worth Rs. 5,000 he should be considered rich."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I never said so, Sir. I specifically pointed out that an individual who has to pay Rs. 50 must be an individual possessing property not less than Rs. 85,000."

Mr. N. A. V. SOMASUNDARAM PILLAI:—"I thought that from Rs. 5,000 to Rs. 10,000 there ought to be some increase. But so far as Rs. 50 is concerned, I want the House to take a reasonable view of the matter. There is no idea of any proportion at all. I thought it reasonable to have Rs. 25. So far as persons who resort to private arbitrations are concerned, they are not persons who possess properties more than Rs. 5,000. It is only the middle class of people that have some common sense and they are the persons who go to private arbitration. It is such persons who must be considered as poor persons. Therefore, I propose a reduction of the amount from Rs. 50 to Rs. 25. I leave to the honourable members of the House to consider whether it is desirable, necessary and reasonable that the duty payable by such persons should be Rs. 50."

The motion was put and lost.

Amendment 16-*A*.

The following motion of Mr. T. Sivasankaram Pillai was deemed to have been withdrawn as the member was not present:—

16-*A*. *In column* 1, *substitute* '25' *in place of* '10.'

SCHEDULE I-A, ARTICLE 19.

Amendment 17.

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I move the following amendment to the stamp duty payable under article 19 regarding conveyance:—

17. *Under the head* '*Proper stamp duty*' *substitute*—

(i) 'Ten annas' *for* 'Twelve annas.'

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Schedule I-A, Article 19—*cont.*

(ii) 'One rupee four annas' *for* 'One rupee eight annas.'
(iii) 'Two rupees eight annas' *for* 'Three rupees.'
(iv) 'Three rupees twelve annas' *for* 'Four rupees eight annas.'
(v) 'Five rupees' *for* 'Six rupees.'
(vi) 'Six rupees four annas' *for* 'Seven rupees eight annas.'
(vii) 'Seven rupees eight annas' *for* 'Nine rupees.'
(viii) 'Eight rupees twelve annas' *for* 'Ten rupees eight annas.'
(ix) 'Ten rupees' *for* 'Twelve rupees.'
(x) 'Eleven rupees four annas' *for* 'Thirteen rupees eight annas.'
(xi) 'Twelve rupees eight annas' *for* 'Fifteen rupees.'
(xii) 'Six rupees four annas' *for* 'Seven rupees eight annas.'

"I have suggested an alteration of the scale prescribed for a conveyance, the effect of which is that instead of increasing the present duty by 50 per cent I propose an increase of 25 per cent. I have calculated what the increase would be if it is increased by 25 per cent. I am aware that this matter was considered by the Select Committee. Though the point was then raised whether it is not desirable to limit the increase to 25 per cent, the majority of the Select Committee thought that it should be fixed at 50 per cent. I specially wish to draw the attention of the House to the case of a conveyance which is brought about more often on account of the strained circumstances of an individual rather than his living in affluent circumstances. The Hon'ble the Revenue Member was pleased to give expression to feelings of sympathy towards the poor man. The increased duty affects not only the case of conveyances but also directly affects the case of some leases under article 30, because in the case of leases for five years and upwards the duty provided for is said to be the same as for conveyance. Therefore, if my proposal is accepted, it is clear that in the case of conveyances affecting the ordinary individuals there would be some relief. Also in the case of leases for five years I would ask the House to be satisfied with an increase of 25 per cent over the present rates than an increase of 50 per cent as suggested in the present Bill. Sir, I would specially suggest that the enhancement proposed should be moderate, especially when it affects the poorer classes of men. If that principle is kept in view, I do not think the House will decide otherwise. I hope the Hon'ble member for Revenue, notwithstanding his anxiety for getting more revenue, will pay sufficient consideration to the fact that in a large number of cases the poorer people are affected."

Rai Bahadur T. M. NARASIMHACHARLU :—"I beg to second this motion. This has been my opinion and I have given expression to it in the dissenting minute that I submitted along with the Select Committee's report. I am very glad that my opinion is at least shared by the honourable member Mr. Krishna Rao and I hope others also will be kind enough to take up our suggestion. You will find, Sir, that in the several articles that follow for instance under articles 23, 27, 28, 30 and so on which chiefly concern the people in the mufassal, the people in the villages who resort to these transactions resort to them more often out of necessity than as a commercial transaction involving profit to them. These people will be very hard hit. That is in the case of these leases, sales and gifts they will be very hard hit. That is the reason, Sir, why I thought that while making good our deficit we should be moderate in our demand lest the people might take us as somewhat

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14th March 1922] [Mr. T. M. Narasimhacharlu]

Schedule I-A, Article 19—*cont.*

rapacious. It is with that object that I thought that this 25 per cent would meet the present demand and suggested accordingly. I therefore heartily second this motion."

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, I am sorry I have to disappoint the honourable mover in his expectations that I would accede to his suggestion and I think I need not also repeat the reasons that I have already urged to the seconder of this resolution who from his place as a member of the Select Committee had argued the same points with me. We, Sir, had to follow a certain procedure for the purpose of revising Schedule I attached to the present Stamp Act. We had to assume that the present Schedule was passed on something like, shall I say, a scientific and reasonable basis as representing the proportion between item and item contained therein. We did not therefore in the least attempt to make any variations from item to item ; but the only question we thought we should consider was as to whether the best way of realizing more revenue was not merely to apply a particular standard of proportion. Accordingly we applied 50 per cent in some cases, 66 per cent in some others and in a few cases we applied even cent per cent. So as far as a reasonable minimum went we thought 50 per cent justifiable. I say justifiable because the Stamp Act was passed in the year 1899 and Schedule I was therefore created in 1899. A long number of years have since passed. It is within the knowledge of every member of this House that the value of property since 1899 has gone up considerably. Even accepting the contention of the honourable the mover that in very many cases the sales or conveyances of properties—the item with which we are now particularly dealing with—are necessitated on account of the actual financial needs of the individual concerned, the stamp duty is not much considering the fact that the value of property has risen two-fold and three-fold. This individual has now to pay a few annas more than what he paid in 1899.

" Judged, therefore, Sir, from that standard, I think that the small increases that have been made cannot be regarded as either deterring or discouraging or throwing impediments in the way of individuals who wish to execute documents. Before we applied this principle of the 50 per cent or 66 per cent or 100 per cent, we took our cue from some other provinces and we found that in other provinces the minimum that has been fixed was 50 per cent. Although we did not follow them in respect of all the items or in respect of every kind of increase, as far as possible we were satisfied that in this particular case no other province in India has kept the stamp duty at a lower scale than the one we have suggested here. If, as the honourable the mover himself has suggested, the reduction is made by 25 per cent, I am afraid that the revenue that will be affected thereby will be considerable. For the honourable member who moved it himself confessed that the number of transactions of smaller value are by far greater than the transactions of higher value. If that is so, if 50 per cent increase is reduced to 25, then the inevitable consequence will be to take a large slice out of the expected revenue on which, I suppose, we have built considerable hopes and on which we have told the House that we will be able to reduce our deficit by nearly 35 lakhs of rupees. I have also told the House that I have been expecting that they would support us as far as possible to enable us to secure as much revenue as we can so that I may not be neglectful of the claims of my village officials. I understood the

5-15 p.m.

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[Mr. Muhammad Habib-ul-lah Sahib] [14th March 1922

Schedule I-A, Article 19—*cont.*

House to give me a sort of hope then that they would try and help me as far as possible in realizing this revenue to enable me to carry out not only my own wishes but also the wishes of the House as a whole. But if this amendment is passed, I am afraid that it will reduce the expected revenue from this source somewhat considerably. The total number of deeds executed in the Registration department show that the proportion between those of a larger denomination and those of a smaller denomination is so large that if these rates are reduced by 25 per cent, possibly the revenue may go down by a few lakhs of rupees, and I don't think that it is the intention of the House, at this particular financial crisis, to reduce the revenue. I can quite realize that some people may probably find it pleasanter to pay less and more difficult to pay more. But all the same, considering the maximum which a man has got to pay for small transactions, namely, beginning from 12 annas and running up to Rs. 15 on the whole, I cannot imagine that it will work a serious hardship so as to justify a reduction in the schedule which has been carefully examined by the Select Committee and also by the Government; and I would beg of the House to pass the schedule as it is."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I am afraid, Sir, that there is a fallacy in the argument of the Hon'ble the Revenue Member when he referred us to the fact that the Act was passed in 1899, that the value of the property has arisen and that there is a justification for the increase in these rates. He has evidently forgotten that with the increase in the value of the property, the people are now called upon to pay higher stamp duty. If that principle is kept in view, the fact that there has been increase in the value of property is a matter of no consideration whatever in applying the test. If, in addition to the fact that there is increase in the value of the property, you are going to increase the rates, not by 25 per cent but by 50 per cent, the matter for consideration is whether it is not likely to affect the persons in a prejudicial manner. We are agreed as to the main principles. He has not controverted the view that this will affect the poorer classes, that the sales are in most cases for small sums of money and that persons are forced to sell properties on account of their financial embarrassment. It is certain that persons who are conservative and are anxious to retain their property will not sell them unless forced by circumstances to do so. While we are anxious to get as much revenue to the State as possible to meet the present deficit, this House should also remember that it is our duty to be reasonable in the matter of taxation to the highest possible extent, and that we should not be considered to be rapacious, as one of my friends has put it, in levying taxes. If we can get more revenue by reasonable means, then it is our duty to do so. Let us be moderate in our demand. Notwithstanding the temporary fall in our revenue, I request the Council not to increase the rate for the conveyance by more than 25 per cent. With these words I request the House to accept this amendment."

The amendment was put and lost.

The Council adjourned at 5-30 p.m. to meet again at 11 a.m. on Wednesday the 15th March 1922.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

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The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Wednesday the 15th day of March 1922, the hon. Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR Avargal, K.C.S.I., C.I.E., President, presiding.

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No.* 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner:—

The Secretary shall call the name of each interpellator in alphabetical order specify the serial numbers of his questions, and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Railway communication between Tellicherry and Coorg, Mysore, etc.

1369 *Q*.—Mr. A. D. M. BAVOTTI SAHIB: Will the hon. the Home Member be pleased to state with reference to the address presented to His Excellency Lord Willingdon by the Municipal Council, Tellicherry, on the occasion of His Excellency's visit to that town, whether anything has been done to provide railway communication between Tellicherry and Coorg, Mysore and Manantoddy?

A.—The reconnaissance survey of a line of railway from Shoranur to Manantoddy with a branch to Tellicherry has been completed and the report thereon received from the Agent, South Indian Railway, but there is no near prospect of railway communications with Tellicherry reaching the stage of actual construction.

Confidential reports in the Medical department.

1370 *Q*.—Munshi MUHAMMAD ABDUR-RAHMAN SAHIB: Will the hon. the Minister for Local Self-Government be pleased to state—

(i) whether confidential reports about the conduct and work of the following officers are maintained in the Medical department:—

(*a*) I.M.S. officers, and
(*b*) Provincial Civil Medical officers;

(ii) whether it is a fact that the confidential reports of I.M.S. officers are shown to them and their signatures taken in the reports before they are finally filed in the Office of the Surgeon-General;

(iii) whether it is a fact that there is no provision to obtain the signatures of Provincial Civil Medical officers in their confidential reports before they are finally filed;

(iv) why this invidious distinction is made in the case of officers of one and the same department;

(v) whether there is a rule in the Civil Medical Code that, when a Provincial Medical officer is transferred from one district to another, a confidential report should also accompany him to the new district; and

(vi) whether it is a fact that this rule is acting detrimentally to the interests of such Medical officers by not allowing them to commence their service in their new districts with a clean slate?

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A.—(i) The answer is in the affirmative.

(ii) Yes, but the reports are filed in the office of the Director-General, Indian Medical Service, and not in that of the Surgeon-General.

(iii) Yes. But Reporting officers are required to see that all unfavourable remarks are communicated to the Medical officers and that they are not kept in ignorance for any length of time, of such unfavourable remarks.

(iv) There is no invidious distinction.

(v) Yes. The attention of the hon. Member is invited to paragraph 251 of the Civil Medical Code.

(vi) The rule cannot act detrimentally to the interests of any Medical officer. A good officer has nothing to fear from it, and a bad officer is given a chance of mending his ways, which he would not get, if he were not warned.

II

MOTION EXPRESSING APPRECIATION OF THE SERVICES OF MR. E. S. MONTAGU.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Sir, I thank you in the first place for allowing me to make this motion. The motion that I would like to place before the Council runs thus :

This Council wishes to express its warm appreciation of the invaluable services that the Rt. Hon. Mr. Montagu has rendered in furthering the cause of Indian progress and his strenuous advocacy of the interests of the Indian Muslims in the settlement of the Near Eastern problems. This council further expresses its deep concern at the termination of his office at this critical juncture in the affairs of India.

" Sir, the announcement of the resignation of the Rt. Hon. Mr. Montagu contained in the newspapers of Friday last came to us as a great surprise and also as a painful surprise to the country. Even though it was said by a conservative Prime Minister that good government is no substitute for self-government and even though it was one of the accepted principles of liberalism that all governments should be for the people and by the people, Lord Morley, who represented the high water-mark of liberalism in his day, stated in the year 1909 that he could not foresee the time when India could be self-governing. But it was left to the Rt. Hon. Mr. Montagu within a few weeks of his assumption of the office of the Secretary of State for India to make that historic announcement of the 20th August 1917 that the proximate goal of Indian Government was self-government. Well, Sir, the circumstances that were then existing helped the announcement that was made. It may be that the announcement was made owing to the exigencies of the war and also owing to the changed angle of vision due to the experience of the war but we cannot forget the personal element and the personal influence of the gentleman who made the announcement itself He not only made the announcement, but even during the war when the hands of the Government were preoccupied with the making of arrangements for the successful prosecution of the war, he even found time to come to India to make inquiries and set us on the way to self-government. Well, Sir, both with regard to the announcement that was made and with regard to the arrangements made for starting us on the path of self-government, there is hesitancy perceivable

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and they are to a certain extent halting. We will have to take into consideration the circumstances under which he was placed. He was a member of the Government—of a coalition government—and when once decisions were taken, they could be got through the Parliament easily ; but in taking those decisions there was to be much give and take, more giving than taking. And the fact that in spite of these difficulties, the Rt. Hon. Mr. Montagu was able to get through this measure of reforms and that he was able to make that announcement shows the real feeling that he had and the sympathy that he possessed for India. Sir, in the governing of one nation by another, sympathy and imagination are qualities which play a great part and but for these qualities the relationship between the ruler and the ruled is not likely to be lasting. Sir, imagination is necessary to understand the difficulties, to understand the feelings and to understand the aspirations of the people who are ruled. Sympathy is necessary to help the people in realizing their aspirations. I claim for the Rt. Hon. Mr. Montagu these qualities of sympathy and imagination to a very large extent. It may be that in certain matters of detail, it will not be possible for people to see eye to eye with him, but I am sure there will be nobody in India who will deny to him these qualities of sympathy and imagination and also an amount of sincerity to give effect to the feelings that he had.

" Well, Sir, he not only set us on the path to self-government but he also took part in bigger matters. In the question of Imperial matters, he placed India on an equal basis with the other self-governing dominions. In the Imperial conferences, he gave India the status of a self-governing colony ; not only that, even in deciding Imperial problems and in considering international matters, the position of India as a self-governing unit was admitted and India was given the position and rank equal to that of the other self-governing colonies. That, Sir, is an achievement for which we ought to be very grateful to the Rt. Hon. Mr. Montagu and the other gentlemen who acted with him in advancing our cause.

" Then, Sir, there are always those difficult questions, questions that always stare us in the face, namely, the position of Indians in the colonies. In Kenya, the present position of the colony is due to Indian immigrants, Indian labour and Indian capital. They first went there and developed the colony. Europeans stepped in later. There are also other colonies like some of the South African colonies where also the share of the Indian in the development of the colony is admitted. It is well known that the Indians have not been treated in the way in which they ought to have been treated and the feeling in India itself is very strong in these matters. The Secretary of State has completely adopted the views of Indians in these matters and has been urging with all the fervour and with all the strength at his command the proper treatment of Indians in the colonies and this is a matter, Sir, about which India ought to be grateful to the Rt. Hon. Mr. Montagu.

" Then there is the question that is agitating the country very much at the moment, namely, the position of the Muslim countries as a result of the treaties that are being talked of and settled. With regard to that, the point of view of the Indians has been different from that of the other countries and to some extent probably different from the other parts of the British Empire. Well, Sir, even in this matter, the Rt. Hon. Mr. Montagu has taken great interest and has been forcibly urging the view point of the Indian Muslims before the allied conference. He has been trying to have our view point accepted in the councils of the world. Well, Sir, it is a pity

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that these representations made by Mr. Montagu should have been viewed differently by the other members of the Cabinet at Home. It is not for me to say whether the constitutional point that has been raised and that has led to the resignation of the Rt. Hon. Mr. Montagu is correct or it is as was stated to be or as explained by him. Whatever it may be it is a matter of very great regret to us that as a result of this constitutional question he should have been forced to relinquish his high office at this juncture.

"Sir, the present moment is a moment of great anxiety in India as well as elsewhere so far as the matters abovesaid are concerned. In India the difficulties of the transitional system, which he has introduced as the half way for the attainment of self-government, stare us in the face. The great deficits that have been found to exist in the budget of the Imperial Government, as well as in the budgets of the several provinces, show that the people ought to be given much more control over the expenditure of the country than they are given now.

"Then again, Sir, there is this question of the political agitation in the country. I strongly advocate, and I have no doubt all reasonable people will agree, that all people ought to be prepared to support the Government in counteracting the forces that tend to disorder, anarchy and chaos. At the same time, I do not believe that repression can meet a situation like the present one. Repression can for the time being give a sort of show that things are all right, but eventually it will be found that it is only reconciliation and a proper understanding of the difficulties of the situation that can meet, and that that is the only way that would help us in the adjustment of things and in the bringing about of a permanent and everlasting peace. Well, Sir, these are difficult matters that have been agitating the country from within; but outside, our position is no better, if anything, it is worse. With reference to the colony of Kenya, that erratic statesman Mr. Churchill in his post-prandial speech announced that that colony ought to be European, that its nature as a European colony should not be disturbed and ought not to be changed, and that he was not going to change that in favour of the Indians, even though Indian money had been spent very lavishly and Indian blood had been shed profusely in bringing that country to its present position.

"Again, Sir, with regard to the Turkish question, the question of bringing about a permanent settlement is still being considered. It was only last week that Lord Curzon was to have gone to Paris, from there probably to Geneva to ultimately decide that question. In a time like this, if we had a gentleman of the well-known sympathy, the well-known knowledge and the well-known imagination of the Rt. Hon. Mr. Montagu, we can rest assured that the view point of India will be urged with all fervour and with all earnestness before the allied Powers, and that justice, at least such justice as is possible under the circumstances, will be obtained for the views that are held by the Indian Muslims and by the country generally. But, by this resignation we have lost the helping hand of the Rt. Hon. Mr Montagu. If at any time it was required, it is certainly at this critical juncture to solve all those difficulties that remain both within and without. Not only this, Sir, some of the newspapers are now saying that the policy enunciated by the Rt. Hon. Mr. Montagu has gone with him, gone for ever, and that we will have to go back to old ways, and that the country will have to be ruled not with self-government as the goal but with something else.

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15th March 1922] [Mr. T. A. Ramalinga Chettiyar]

"Well, Sir, if I can say anything from this Council on this matter it is this: nobody will be doing a greater wrong, not only to India but also to the whole British Empire than he who proposes that we should go back, that the policy laid down by the Rt. Hon. Mr. Montagu ought to be abandoned for the present moment, and that we should go back to old days and old ideas of governing the country. For these reasons, Sir, India now sorely feels that the resignation of the Rt. Hon. Mr. Montagu is a great misfortune. I already stated, Sir, how much we are indebted to Mr. Montagu for all that he has done and has said, and his sudden disappearance from the management of the affairs relating to India is the most unfortunate one. So, Sir, I venture to place this motion before the Council, both to express our appreciation of the invaluable services rendered by Mr. Montagu to India, and also to express our deep concern at the termination of his office at this critical juncture in the affairs of India. I hope that this Council will pass this motion with an unanimous voice."

11-15 a.m.

Diwan Bahadur M. Ramachandra Rao Pantulu :—"Sir, in associating myself with the motion I hope that this will be accepted unanimously, and that the sense of loss sustained by India will find adequate expression in this Council. Perhaps hon. Members are aware that in most other provincial Councils resolutions expressing the regret of this country have already been adopted, and in the two chambers of the Indian legislature the matter has already received attention. Sir, this episode raises very grave constitutional issues, and until the issues are settled it is no use discussing the exact merits of this question. Sir, it has been our experience for a good many years that the Secretary of State for India in Council has two capacities. He is there both as a Minister of the Crown and also as a Secretary of State representing the interests of this country. There have been previous occasions when conflict between these duties of the Secretary of State has arisen, and on all those occasions the Minister representing the Crown has had the better of the Secretary of State representing the interests of India. Mr. Montagu's great merit is that throughout his career as Secretary of State for India he has placed the interests of India as his primary concern, and has always placed them in the forefront of his duties as Minister of the Crown. It is no surprise that the interests of India have once again come in conflict with the policy of His Majesty's Ministers. It is a matter for sincere regret that his ceaseless activities on behalf of India, his courageous purpose in the cause of constitutional reform, and his general anxiety to stand for India, should have resulted in his resignation.

"Sir, the universal regret is shared throughout India for more than one reason. The first is that Mr. Montagu is the author of the new constitutional system which was inaugurated last year. I need hardly say anything on this subject. This is not the time to examine the merits of that scheme. If Mr. Montagu had continued in office he would have been the first to rectify any obvious defects of the scheme and accelerate further the course of constitutional progress of this country. Therefore, Sir, the history of Mr. Montagu's career as Secretary of State for India is the history of constitutional reform since 1919. This history is within the memory of hon. Members, and it is absolutely unnecessary for me to refer to it. There is only one matter which I should like to place before the Council. He contributed not a little to winning general acceptance for the principle of the responsibility of the administration to the people of this country and to its

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partial concession in the case of the provinces. That is the essential feature of the scheme he has inaugurated, and we have been looking forward to the time when this step of responsibility will be accelerated and rapidly introduced in the central Government, and to the time soon after when the principle of provincial autonomy will be conceded. That was the expectation of India, of the members of the Councils and of the heads of some of the provinces. His Excellency referred to it a few days ago, and in more than one public announcement His Excellency has associated himself with our own hopes of the rapid realization of our wishes in the matter of self-government. Sir, that is the reason why there is this chorus of universal disapproval of the action of His Majesty's Ministers in regard to the resignation of Mr. Montagu.

"Mr. Montagu did his best to shift the very axis of Government to the shoulders of the people. After all this is a thing which when once the move is begun is bound to expand. His strenuous advocacy to give us a place in the comity of the nations, to put us on terms of equality with all the other dominions is a service which nobody in India could easily forget. It is quite likely that now that he is not in office an attempt may be made to go back on the admission of political equality which has been established on behalf of India. If any such attempt is made it will be disastrous to the whole of the British Empire. Perhaps I may draw the attention of hon. Members to the remarks of a contemporary writer of great insight into Indian political conditions, Sir Valentine Chirol—

'We may restore in India, and through India all over Asia, a new and reinvigorated faith in the British Empire's mission, if we do not shrink from putting into practice in our dealings with her the principle of partnership in rights and duties on which our Imperial Commonwealth of Nations has been built up. We have enshrined that principle in the new constitutional charter, we have of our own free will bestowed upon India. But if we pay only half-hearted homage to it, and our own people, whether at home, or in other parts of the Empire, or in India itself, whether statesmen or soldiers, or administrators or merchants, succumb to the temptation of trying still to combine with it in practice a disingenuous survival of the old idea of domination of one race over another, after we have so solemnly repudiated it, we shall drift the more rapidly and disastrously on to the quicksands of racial strife and chronic disorder which, though they may fail to overthrow the British rule, would steadily weaken, and perhaps paralyse, its power for good that is after all its one enduring justification. If, on the other hand, we fulfil that which we have always recognized, and to-day with renewed clearness of vision, to be our mission in India, by reconciling the elements in Indian civilization and our own, and if we can convert our commonwealth of free British nations into a free commonwealth of free Western and Eastern nations on a basis of real equality, we shall set an example of no less value to others than will be to ourselves our own achievement.'

"Sir, these sentiments are peculiarly appropriate to the present occasion. My hon. friend the Mover has already referred to the attempt that is being made to re-open this question of political and racial equality which has been established by the proceedings of the Imperial Conference. To the extent to which good faith will be kept, to that extent there will be some amount of belief in the continuity of the administration which has been set on foot by Mr. Montagu.

"There is only one other remark I should like to make, that is, in regard to the political situation, and the bearing on it of Mr. Montagu's resignation. The hon. Mover has already referred to the fears that have been expressed in regard to the impending change of policy. There is no doubt that there is considerable room for these apprehensions. I may perhaps quote what the *Daily News* has observed on the subject—

'We hear disturbing rumours from Downing street of a new policy of resolute rule in India. If this means merely an intention to suppress disorder firmly, the action must be judged solely on its merits, but if it means an open reversal of the policy of appeasement and goodwill

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pursued by Mr. Montagu and Lord Reading as consistently as they were allowed to maintain it, we may soon be faced with a crisis greater than that of 1857. The Government have already made a serious mistake by the failure to speed up reform and the abandonment of progress altogether and the substitution by ruthless campaign of military suppression will be a blunder worse than crime.'

"No greater truth has been spoken, and we trust that whatever may be the results of this resignation there will be no change in the policy pursued till now, and that these fears and apprehensions which come from certainly well informed source will prove groundless. Therefore, this Council is justified in holding out the warning that if there is such a reversal of policy it will be, in the words of the *Daily News*, 'a blunder worse than a crime'. With these words, Sir, I commend this motion for the acceptance of the House."

11-30 a.m.

Mr. ABBAS ALI KHAN:—"Mr. President, Sir, it is indeed singularly unfortunate that India at the critical period of its existence should have been deprived of the services of a great man who, whatever his faults may have been, whatever his shortcomings, has striven sincerely, faithfully, constantly and whole-heartedly for the prosperity, contentment and welfare of our Bharata Māta.

"Sir, impelled by the strange fascination of the East, Mr. Montagu embraced the cause of India with an amount of zeal, fervour and earnestness which was at once the envy and the marvel of the world. Struck with the strange and chequered but romantic history of India, he applied himself heart and soul for the uplift of the dumb, silent, starving millions of India, who in their poverty and ignorance were dragging a most miserable and precarious existence. Knowing full well that with love and care India is one of the easiest to be governed of any country in the world and that the salvation of India must come from the hands of her sons and that the rule of an alien bureaucracy, however benevolent it may be, could not have that human touch, that human sympathy for suffering which is so essential for the uplift of India, he gave us a constitution which, however defective in its design, however crude in its conception, however limited in its application, promises to open a new chapter in the history of India and one of the greatest experiments of the world. It is left to us to work them out successfully.

"The services he has rendered to India are legion. His association of Indians in ever increasing measure in the government of this country, his creation of an Indian peer, his appointment of an Indian as the Governor of Bihar and Orissa, his aim at associating Indians in the chancellories of Europe, are all acts which will be handed down to posterity by an admiring, grateful and sincere nation.

"Sir, we owe our present existence to him. Where were we two years ago? Where are we to-day? God willing, are we not nearer the goal set before us by him?

"Sir, before concluding, as a Mussalman I am particularly grateful to him for so boldly and fearlessly championing the cause of Moslem India. The treaty of Sevres, instead of giving peace to that long suffering and unfortunate nation, viz., the Turks, has heaped misery over misery on them. I must confess, Sir, the treaty of Sevres has put a severe strain upon the traditional loyalty and friendship of Mussalman India towards the British Raj. The Moslems all over the world, from Moscow to Mallapuram, from Bokhara to Boston, from Hongkong to Honolulu, are profoundly agitated over this

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unfortunate treaty. The sooner it is revised in consonance with the wishes of the Moslems, the better it will be for humanity and the world at large; for then it will bring peace, contentment, tranquillity and happiness to millions and millions of human beings.

"It is a fitting climax to a life of devotion, love and faith in India that his great but not the last sacrifice of his life, viz., his position, has been for the cause of India, to promote within peace and prosperity.

"Sir, we and our posterity will ever gratefully remember and cherish with affectionate regard and loving care the memory of the great and historic services rendered to our country by this great and noble son of Zion. May God give him long life, strength and vigour to champion the cause of weak and poor India. (Amen.)

"Sir, the clouds are gathering on the horizon, the skies are black, but I trust and sincerely hope that there will be no change of policy, no change of heart, no hysterical cries of halt, no withdrawal of the sacred pledge of August 1917, no betrayal of the trust, but that the new Government will carry on the Government even more liberally and sincerely than before. If not, Sir, India will think that England is not willing to apply within the confines of India those liberal principles to establish which outside the Empire she went to war."

The hon. Mr. P. RAMARAYANINGAR:—"Sir, I have great pleasure to associate myself with the previous speakers in acknowledging with gratitude the great services which the Rt. Hon. Mr. Montagu has rendered to India. Sir, I need hardly say that India owes a deep debt of gratitude to the retiring Secretary of State. If India is to-day on her way to responsible government, it is in no small measure due to the ability, tact and disinterested perseverance of the Rt. Hon. Mr. Montagu. He has done a great deal for India and that in right time. Sir, in his zeal to advance reforms in India he might have made mistakes, but in spite of these mistakes India can never afford to forget the very valuable services rendered to her by him. Indeed it is deplorable that he should have to resign his appointment as the Secretary of State for India at this critical time. Sir, I support the resolution."

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*):—"Mr. President, Sir, if I rise on this occasion to associate myself whole-heartedly with the remarks that have fallen from the various hon. Members who have already spoken, it is for two reasons. In the first place, it is not often given to an Indian to claim a European, least of all a European statesman of the calibre and position of Mr. Montagu, as either a national or a personal friend. In the next place, it is not often given to us to find in the public manifestations and in the private life of a statesman in England such a continuous, such a burning, such a passionate love for another country translated into action, and such an overwhelming desire to do the best and to give of the best that is in him for the service and uplift of that country. It is for these reasons that I desire to say a few words on this occasion. Those of us who were privileged to be present in England during the passage of the Reforms Act, the Government of India Act of 1919 and during the evidence given before the Joint Select Committee, could not but have been aware that at every stage it was Mr. Montagu's one pre-occupation and his sole anxiety to see that the cause of India was fairly, strenuously and continuously put forward in the best possible fashion. The amount of help that he rendered, unseen, unsuspected, to a number of persons, so as to combat

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the many lies that were circulated regarding India and its possibilities and future, the amount of unofficial assistance that he rendered to persons who had gone there, not only at the expense of their time and, in the case of the Secretary of State, at the expense of being misunderstood by those who were by no means friendly to certain of the aspirations which were voiced by persons who went there ; if those things are taken into account, it cannot be gainsaid that Mr. Montagu gave his heartfelt and sincere services for the good of the country of his adoption.

"Now, criticisms have been levelled and probably are being levelled against the Government of India Act of 1919. Of no Act probably can it be said that it is perfect. Unless complete Swaraj was handed over to us, it is very likely there would be persons who would say : 'We could have got more ; we could have had it in a better fashion ; the machinery might have been more perfect and the manner of working it more natural, and the evolutionary processes might have been devised so as to produce less creaking of the machinery than has been produced.' All this may be just and legitimate criticism. But consider the position in which India stood in 1919 and consider the position in which India stands just now. So far as its political evolution is concerned, is there any one who can say to-day that there is any inevitable hindrance or block, provided and always provided there is goodwill between Europe and India, in the way of India coming to its own? The answer is no. Who is the person who has removed the blocks and hindrances, who has made the new spirit possible? It is no other than Mr. Montagu, and not only in the political sphere of the Government of India but in other respects also his services have been conspicuous. I think it is due to Mr. Montagu to say that he is the first British statesman of eminence who not only enunciated but carried into practice the doctrine that India as a political entity ought to be treated as equal to every other political entity forming the confederation of nations which make up the British Empire. No doubt, at present the person who goes abroad as representing India does not go there as an elected representative of India, but he goes there as a representative Indian in a vaguer sense. What is even this achievement due to? It is due to the unwearied and tireless exertion of Mr. Montagu. It is a vindication of the self-respect of India's nationality, it is a vindication of India's place in the sun which we owe to Mr. Montagu.

"In many ways could I dilate upon this thesis, but I do not desire to take up the time of the House. I conclude by saying that whatever opinion may be held as to the constitutional aspect of Mr. Montagu's resignation, whatever opinions may be held as to the correctness or otherwise of the particular theories of Government which have been evolved and which have produced the Government of India Act, the verdict of posterity, the verdict of history will be nothing less than this that Mr. Montagu was a great friend of India, a great and trusted friend of Islam, and, indeed, one of the greatest that she has had in her long, hard, and chequered career."

The hon. Rai Bahadur K. Venkata Reddi Nayudu : —"Mr. President, I wish to associate myself with all the sentiments expressed in this House on the resignation of, as has been said, the greatest friend India ever had. It is not for us in this Council to question or discuss the reasons which necessitated this resignation. It is for the British Cabinet and for the British nation. We in India having received the greatest benefits which any great British Statesman could confer, it is due to him and it is due to us that we should

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pay our tribute—that tribute or homage which every human being, which every nation ought to place at the feet of those who made their way easy for the attainment of freedom and liberty. Mr. Montagu, Sir, has given to India a status in the Empire. He has given India a place in the councils of the world. And, above all, he has placed India on the road to liberty, to responsible government. That he should be taken away from his office even before we reached the first milestone on that journey—often believed to be long but hoped and expected in India to be short, a journey which we expected that the masterhand of that great statesman would assist us in shortening—is perhaps due to the misfortune of our country.

"It has been said, Sir, that after his resignation there might be some change of policy. All that we can say on this occasion is that we hope that the British statesmen will not fail to recognize that with Montagu or without Montagu any change in the policy which has been inaugurated by him would mean a serious consequence not merely to India but to the whole empire as well. (Hear, hear and applause.) Sir, there were occasions on which I had to use strong language against Mr. Montagu. The party to which I belong had at one time great complaints against him and against the proposals that were put forward from the Secretary of State's office. On many points we could not see eye to eye with him. I was perhaps one of those that was most seriously cross-examined before the joint committee of the two Houses. For about three and a half hours I was under his cross-examination, and I suppose it was Mr. Montagu who took the longest time. But, Sir, you will pardon me if I refer to a personal matter. After the cross-examination was over, he came out to the place where I was still sitting and said: 'You have given your evidence in a characteristically courageous manner.' Well, Sir, I do not mention this as anything complimentary to me, but I mention this to show that he cross-examined me with all the vigour at his command and with all the skill that he alone could exhibit and at the end of it he had the courtesy, gentlemanliness and the nobility to acknowledge the just cause of the teeming millions of this province which I had the honour at that time to represent.

"Sir, it is not necessary for me to go into the merits of the scheme which he has inaugurated. History will record whether that has defects or not. But history will also record that he is one of the noble band of statesmen whose politics are not confined to the little island to which they belong, but whose patriotism extends over the whole world. (Applause.) It is in that light I would submit that Mr. Montagu is to be ranked.

"He has, Sir, done things which perhaps any other statesman would have taken decades and decades to accomplish. Within the short space of three years, he has been able to do for India so much indeed that I am not able to see any parallel in the history of the world where so much has been done for any country ruled by another nation. That, Sir, will give us some idea of Montagu's services to this country and let us hope that while his resignation is inevitable he may yet come back to us, it may be a little later, to complete that huge edifice for the foundation of which he worked so hard and take us on to that real responsible government which is at the heart of the whole of India." (Applause.)

11-45 a.m.

Mr. T. ARUMAINATHA PILLAI:—"In rising to support the motion moved in this House by my Friend, Mr. Ramalinga Chettiyar, and so ably supported

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by my other hon. Friends, I could only say, Sir, that the resignation of the Right Hon'ble Mr. Montagu came upon this country with a staggering effect, more staggering, Sir, because only a few weeks back it was announced by himself that there was no idea of resignation at all. So far as his services to this country are concerned, one could very well say that his resignation caused sorrow throughout the length and breadth of this land as evidenced by the various reports appearing in the newspapers as the opinions of various eminent persons of this land. Surely, by the resignation of Mr. Montagu, India lost the best supporter it had ever had ever since the history of British connexion with India began. Mr. Montagu was not the man who would be satisfied with the memorable announcement of 20th August, 1917; he is not the man who would be satisfied with going round the country and interviewing some of the people and taking evidence from them; he is not the man who would be satisfied only with the issuing of a bulky and voluminous report; but, followed by all these things, Mr. Montagu introduced the Reforms as early as possible and tried his best to satisfy the demands of all the communities in this presidency and in the other portions of India. And not merely he introduced the reforms, Sir, as early as possible, but in appointing the provincial satraps, I believe he had taken to heart that satraps ought to be appointed from persons who would see his policy carried out, and not persons who would be only figureheads and put a block in our way. And especially in this presidency we ought to be thankful to Mr. Montagu for having given us a provincial Governor who had administrative experience in India before he came to this presidency.

"Various reasons are alleged to the resignation of Mr. Montagu, but I do not think it is necessary to go in detail into those causes. There is a feeling throughout this country for the loss sustained by India owing to the resignation of Mr. Montagu and this feeling is shared by all classes of people. There is no difference of opinion as to the fact that the resignation of Mr. Montagu has been brought about in order to satisfy the die-hards, the persons who are opposed to the progress and to the welfare of the people of India. I may be right or wrong, but this opinion is prevailing. In spite of the mischievous propaganda of the non-co-operators in this country who have been agitating for the last two or three years, if the Indians have had any confidence in the Britishers, it was because that a statesman of the type of Mr. Montagu was at the helm of affairs. But Mr. Montagu has resigned and the British people and the British Parliament if they want to command the same confidence, if they want Indians say the same thing about them as is being said of Mr. Montagu, would not stint to go forward on the path which has been chalked out to them by Mr. Montagu.

"I do not believe, Sir, after the very beautiful speeches that have been delivered by my friends here, there is anything to speak further. I wholeheartedly support the motion before the House."

The hon. Rao Bahadur A. P. PATRO:—"Sir, representing my constituency and my country in general I associate myself whole-heartedly with what our leader Sir Surendra Nath Bannerjea has said that this event is a great calamity to India. At this juncture, Sir, when we were expecting eagerly and all moderate elements were working towards the reaching of the goal of full responsible government, that the forces, the reactionary forces, the enemies of progress of our country should have been successful in ousting the one true friend of India, is indeed a calamity. Sir, when we felt that the

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real remedy and the royal remedy for the great unrest in this country was to give the people full responsible government and make them realize the responsibility of Government, then he realized it and set to work towards it. He had few friends in England and few friends in India; nevertheless without fear of opposition he worked on and the whole history of the working and the consideration of the Reform scheme would disclose what a friend we had in Mr. Montagu. Now, Sir, when he was realizing with us that Egypt, Palestine and Mesopotamia, all of them got full responsible government and a national form of Government, when he was sympathising with us, just at this juncture that the great statesman should have been taken away from the helm of Indian affairs is indeed a calamity to India. I appeal to my countrymen not to despair and be afraid of the reactionary forces. We are determined to stand by our rights. If at any time the reactionary forces are to prevail let it be a warning to British statesmen that, come what may, we Indians as a whole will unitedly stand by our rights. Therefore we need not be afraid of the reactionary forces. But let us now realize that with greater determination we should work by peaceful means and with greater determination to reach the goal. I am sure there is not a single soul calling himself Indian in this country who does not feel the great and serious effect of the resignation or even the driving away of this friend of India. There is, as you know, one person who has been a staunch friend of India and has been incessantly working with the ex-Secretary of State Mr. Montagu, and who was first Governor of Bombay and now Governor of Madras. His Excellency Lord Willingdon was associating himself wholeheartedly with all the progressive policies which Mr. Montagu had been sketching out for India. My hon. Friend Mr. Ramachandra Rao has referred to the recent utterances of His Excellency the Governor. But if you know better of Lord Willingdon and a little more behind the curtain you will understand, Sir, with what determination, with what earnestness, with what sincerety and with what anxiety of the high British statesmanship he has been advocating the claims of Indians. We have not agreed with Mr. Montagu in all that he said and did. There were disagreements. With few friends in India and with the very few friends in England Mr. Montagu has fought the battle for India and now at this juncture that he should be removed is indeed a great calamity. I therefore associate myself with what Mr. Ramachandra Rao and Mr. Ramalinga Chettiyar have said on this resolution."

Mr. SAIYID MUHAMMAD PADSHA SAHIB :—" Sir, I am very glad to have the privilege of associating myself with the motion just moved by my hon. Friend Mr. Ramalinga Chettiyar. Sir, the disappearance of Mr. Montagu from the India Office would always be regarded as no small loss by this country and his forced resignation, at this critical juncture, is nothing short of a calamity. There is nobody who is anybody in the political circle of India who has not been rudely shocked at the unhappy tidings of his resignation. People of all parties, of all sections and of all shades of opinion in India have with one voice said that this resignation is anything but calculated to allay the present political situation in India. Sir, the disappointment, the extreme regret which is so universally felt all over India at his resignation is a proof patent of the high esteem in which Mr. Montagu was held in India and of the implicit confidence which the Indians had reposed in him.

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15th March 1922] [Mr. Saiyid Muhammad Padsha Sahib]

"Sir, Mr. Montagu while he occupied the position of the Secretary of State for India had time and again given the assurance that, in spite of all the difficulties in India, the old policy would be pursued. Now, Sir, that he has been removed from his post at the helm of Indian affairs, people are anxious whether his absence from the India Office would mean a new orientation of policy or a change in the angle of vision. Sir, it cannot be denied that India is now passing through difficult times, and if the Indian affairs required any careful handling at any time, it is at this moment, and if the directing hand of one like Mr. Montagu was required at the head of Indian affairs at any time, it is at this critical juncture. Instead of dilating long on these things, I would at once repeat the warning sounded by the hon. Ministers who preceded me that whether with or without Mr. Montagu we expect England to do her duty by India.

"The services rendered to India by Mr. Montagu are so well known to all that it is needless for me to enumerate them here. Sir, of all the Secretaries of State he was far and away the stoutest and the staunchest champion of the Indian cause and there can be no better example of his manly sympathy for India than the noble sacrifice which he has made in doing his duty by the Indian people entrusted to his charge.

"Sir, before I sit down, as a Mussalman and as one representing the Mussalman constituency, I would fail in my duty if I fail on this occasion to express the sense of deep and eternal gratitude which the Indian Muslims feel for Mr. Montagu for his bold and unflinching advocacy of the Muslim cause. To the Muslims in India, Sir, Mr. Montagu's resignation is nothing short of a great catastrophe.

"Sir, if in spite of the disappointment the Indian Muslims felt at the Treaty of Sevres, if in spite of the unhappy state of the Turkish affairs which gives the Muslim world such an anxiety, the Muslims have still hopes of their religious question being properly and rightly solved, it is, in a large measure, due to the strong faith which the Muslims have in the sympathy and support of Mr. Montagu. Very few statesmen in England have so well understood and represented the Muslim feeling in India as Mr. Montagu. Not only did he fathom the depth of Muslim feeling in this matter, but he also realized the justice and the necessity—the indispensable necessity—of giving it its due weight and consideration. No doubt the Indian Muslims feel perfectly confident of and thankful for the unceasing efforts on the part of the Government of India to bring about a happy solution of this problem. But, Sir, nothing offered such an indisputable proof of the efforts of the Government of India in this respect than the unhappy publication of their recent recommendation on the question. It is a matter for extreme regret that this publication which breathes such a message of hope to the millions of Muslim hearts in India and which tends to soothe and satisfy the public opinion in India was regarded as one which violated the traditions of Imperial policy and broke its unity. It is a great pity, Sir, that while opinions expressed in post-prandial speeches, opinions on questions——"

12 noon.

The hon. the PRESIDENT:—"Order, order. I fear the hon. Member is straying from the motion before the House."

Mr. SAIYID MUHAMMAD PADSHA SAHIB:—"I humbly submit, Sir, that when opinions are expressed which are anything but calculated to soothe the

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feelings of India they can go unchallenged, while a publication of this sort which has a salutary effect has been regarded as such an unpardonable sin that it could not be wiped out by anything but the resignation of Mr. Montagu who is so indispensably necessary to India at the present moment."

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, in supporting this motion, I wish to associate myself with all that has been said on the subject by those who have preceded me. Even as an Under Secretary of State which office he held between 1910 and 1914, Mr. Montagu was taking a great deal of interest in affairs connected with India and was evincing the greatest possible friendship for this country. When he was Under Secretary of State for India, hon. Members of this House may remember that he visited this country and had conversations on political and other matters with people belonging to different schools of thought. When he was holding no office, on an occasion when a discussion on an Indian topic arose in the House of Commons, he expressed in the strongest terms possible that a radical change in the system of administration of this country was essential. Soon after that, this House may remember, he was called to office as Secretary of State for India, and that was in July 1917. Very often, people in England who are either in the House of Commons or in the House of Lords and who express certain opinions change these opinions when they hold office, but was that the case, Sir, with the Rt. Hon. Mr. Montagu? No. Immediately after he gave expression to those views in the House of Commons when he was out of office. He was called to office. The first important act that he did after he assumed the reins of administration was to give expression to that memorable declaration of policy on the 20th August 1917, wherein he enunciated the policy of associating in an increasing degree Indians in every branch of the administration and of the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire. This, Sir, was the most important pronouncement made by any English Statesman after this country came under the sway of the British. After that pronouncement he came out to this country, travelled again in different parts of the Empire, elicited opinions from persons holding different shades of opinion and submitted a report to Parliament, the well-known Montford report. And it was mainly, if not solely, through his patience, perseverance, tact and love for India that he was able to pilot the Government of India Act through the House of Commons. After that Act was passed, he has continued to evince that interest in Indian affairs which he always evinced before that. To put it briefly, Sir, Mr. Montagu has been the strongest and best Secretary of State that India has ever had (Hear, hear), and the greatest calamity that can befall the country at this unfortunate time is the resignation of Mr. Montagu. It is to be earnestly hoped, Sir, that this unfortunate and deplorable resignation will not lead to any change in the policy of the administration, and I venture to state, Sir, that if there is any foreboding with reference to a change in the policy of administration, this country cannot and will not stand it. I hope, Sir, that at no distant date the hon. Members of this House will see the desirability of erecting a statue for Mr. Montagu in this House, which is the direct result of the reforms for which he stood sponsor. With these words, I support this resolution."

Dr. P. SUBBARAYAN :—"Mr. President, on behalf of the zamindars whom I have the honour to represent in this Council, I heartily associate

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myself with the sentiments that have fallen from the various hon. Members who have spoken on this resolution, and I only wish to put a few points before the Council. The one thing that Mr. Montagu has done for this country is that he has given this country an international position. It was due to Mr. Montagu's influence backed up, of course, by the Prime Minister for whom I have the greatest admiration in spite of all that is said against him for the last few days in the press both in this country and in England. For it was Mr. Lloyd George who, when receiving the freedom of the City of London, said that there were two things near to his heart and for the solution of which he would strive. Those two things are the question of Ireland and the question of India. Now, Mr. Lloyd George has solved the problem of Ireland, and I am pretty certain that Mr. Lloyd George if he retains office for any length of time will solve the problem of this country as well. With these two preliminary remarks as regards the Premier against whom we have heard so much, I go on to Mr. Montagu.

" Had it not been for Mr. Montagu's support to the Premier, I am sure the Premier would not have been able to carry forward this principle of giving India a position in the comity of nations. It was Mr. Montagu's labour which gave Lord Sinha and the Maharaja of Bikanir a status in the British War Cabinet in the year 1917. Soon after that, Mr. Montagu made a pronouncement in the House of Commons—I mean the pronouncement of the 20th August 1917 *, which was carried through both the Houses of Parliament owing to the ability of Mr. Montagu in spite of all the impediments that had been placed in his way. I am sure hon. Members would agree with me when I say that those impediments were very great and the fact that Mr. Mantagu has been able to carry through his scheme of reforms, however little it may be, in spite of the impediments placed in his way both in this country as well as in England, speaks a great deal not only for Mr. Montagu's interest and sympathy, but for his conviction and his courage. (Hear, hear.) It indeed requires immense courage to give responsibility to India. I am sure hon. Members of this Council will remember what Lord Morley said in the House of Lords some 12 years ago. This was what he said. He could not bring himself to look forward to the day when responsibility could be introduced into the Government in India. By responsibility he meant the executive being responsible to the people of this country through the elected representatives in the Legislative Councils. When Lord Morley himself who was reckoned in those days as a great friend of India was not able to carry out this principle, that Mr. Montagu was able to carry out this principle of responsibility in his Government of India Act speaks a great deal for his courage.

" Again, Mr. Montagu has been a true representative of the people of this country in the House of Commons. I do not think any Secretary of State would have had the courage to put before the Cabinet the feelings of the people of this country as voiced by the Government of India as he has done for the last two years. The fact that the Turkish problem looms large in the eyes of the world to-day is really due to Mr. Montagu. It was Mr. Montagu, knowing the feelings of our Muslim brethern in this country and knowing full well that the heart of India would not be satisfied unless this question is adequately solved, put their case very strongly before the

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Cabinet, and it is for his action on this question that he has fallen, and I am sure posterity will say 'Here was a man who laboured heart and soul for this country but lost because there was a large vociferous opposition against him'."

Mr. O. TANIKACHALA CHETTIYAR:—"Sir, Mr. President, I should like to associate myself with all that has been so eloquently and ably said by the various members of this hon. House who have previously spoken in great appreciation of the invaluable services rendered by Mr Montagu to India. Sir, during the five years or the four and a half years during which he was in office he has accomplished what with the best attention the Secretaries of State during the previous fifty years were not able to do. Sir, himself a chela of Lord Morley, he exhibited his love for India and its advancement during the time he was Under Secretary of State under his chief. When in 1917 he became the Secretary of State, he took on hand the task of the betterment of India and took a step forwards towards the goal of self-government.

"His administration of Indian affairs, Sir, was characterised by broad sympathy and undaunted courage. He undertook the stupendous task of those reforms and for that purpose he undertook a personal investigation which he made along with Lord Chelmsford. And this he deliberately took upon himself for the highest good of the Indian people. As my hon. Friend Mr. Reddi Nayudu said, the non-Brahmans had no doubt a grievance against Mr. Montagu because he did not see eye to eye with him in the matter of communal representation and the reservation of seats, with the result that they had come up by their own effort and it can now be said that during these 15 months during which the reforms have been worked in this country the non-Brahmans have stood solidly together during these troublesome times. Sir, we doubt, we hear it stated, that the publication of the despatch by the Government of India was the immediate cause of the withdrawal of Mr. Montagu from the India Office. Sir, as signifying the temper of the British people, we find in an English paper, the *Punch*, a cartoon, which arrived here last Saturday and which left England long before this despatch of the Government of India was published, we find there a conversation between Mr. Montagu and Mr. Gandhi each one saying to the other: 'One of us must go.' And John Bull standing before them asking 'Why not both?' It is unfortunate that such a thing should gain ground in England. We have been so impatient for the successful carrying out of the reforms. Mr. Montagu was looking after the interests of the Muhammadans and the Indians not only in India but also in Kenya and other colonies. And we hope that there will be no set back by reason of his resignation. And we hope that there will be no going back from the policy which he enunciated.

12-15 p.m.

"Before I sit down, Sir, I cannot help remarking on one significant circumstance: that one section of the House is completely absent and it is regrettable that such a thing should have occurred and that there should have been room for such a remark."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I have also great pleasure in associating myself with the previous speakers. It may be said that we the Members of this Council whose presence is entirely due to the reforms might be in our heart of hearts grateful to the Secretary of State Mr Montagu who has launched this scheme of reforms. But if you take the man in the

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street what will be his view so far as these reforms are concerned? He may say 'whoever may reign Rama or Ravana the immediate result of these reforms has been that we are asked to pay 3 pies by way of tax where we have been paying only one pie.' But we must explain to him the position. If a man is affected by a serious disease and the doctor is consulted, the doctor would apply a serious remedy. In a time of serious illness if the doctor is asked he would ask us to give a large quantity of poison so that his life may be saved though the mind may get wrong. No doubt with the best of intentions the services have been so enormously increased that we are asked to pay taxes thrice as much as we have been paying. Yet we must tell the taxpayers that the reforms will soon give this Council more powers and we may not then have such a costly bureaucracy and in years to come the result would be that we may rule the country and not only that, we may then tax the people to the least extent possible. Then, Sir, we cannot ignore the ordinary Englishmen in the country—of course, there are honourable exceptions who think that the people of India also are entitled to equal rights along with the other nations of the world. But the feeling of the ordinary bureaucratic Englishman seems to be ———"

The hon. the PRESIDENT :—" I must ask the hon. Member to confine himself to the issue in the resolution, which is to express warm appreciation of the services of Mr. Montagu. I am very sorry to have had to interrupt the hon. Member."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I bow to your ruling, Sir. I was only going to say with reference to what Mr. Tanikachala Chettiyar said, that these Englishmen also should join with us in such appreciation of Mr. Montagu's services and not keep themselves off. But for Mr. Montagu probably there would have been a revolution which from our point of view would have been very dangerous. As pointed out by the Advocate- General we must look to things as they were four years ago if we should be able to realize the present improvement. We have great ambitions at present but our ambitions have become great on account of Mr. Montagu's efforts. If in the place of Mr. Montagu there was a conservative Secretary of State who would have put down practically every attempt at reform, what would have been our position. We have only to compare our state in 1905 with our position now. When Mr. Krishnaswami Ayyar made a suggestion then that after all one member of the Executive Council may be an Indian, what a great stir was made that such a disloyal sentiment should have been expressed? In 1922, Sir, only five years after the Secretary of Stateship was assumed by Mr. Montagu we have an Indian majority in our Cabinets. The whole credit is for Mr. Montagu. This may foreshadow the likelihood of our getting immense powers very soon. We must remember, Sir, that it was in his time that it was considered fit to appoint the first Indian as a member of the Privy Council. It was again, Sir, during the time of Mr. Montagu that an Indian was considered to be fit to be a member of the House of Lords and a member of the British Government. Then again, it was the first time that an Indian was appointed Governor of a Province. These may be small things; but if we go back to 1917 and 1919 in our heart of hearts we must consider it a fact that but for Mr. Montagu, we should not have been in a position of equality —though at least in paper—which has been recognized. And though not by election at least by nomination our representatives have been allowed to sit in the councils of the Empire and of the World. Every one must recogniz e

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that all these are pre-eminently, if not entirely due, to Mr. Montagu. Fears have been expressed in this House that with the resignation of Mr. Montagu and his disappearance from the Cabinet a change of policy would be coming up. But so far as I am concerned it is not a fear; but it is a certainty. I am sure that Mr. Montagu did not resign because of the publication of the telegram. We know, Sir, that Mr. Montagu is one of the strongest statesman with a virtue of compromise in him. In order to satisfy the Englishmen in this country he gave them increments both in the number and in emoluments with a view to increase the reforms. With a view to satisfy the die-hards he probably sanctioned the arrest of Mahatma Gandhi and thought at the same time that this publication was necessary——"

The hon. the PRESIDENT:—"The hon. Member is again out of order. I must ask him to abide by my ruling."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I wasgoing to say, Sir, that his resignation was not due to the publication of the telegram ——"

The hon. the PRESIDENT:—"Then the hon. Member will be wholly out of order. The motion is only to express our sense of appreciation of the services of Mr. Montagu. If on that resolution hon. Members are going to speak on English constitutional questions, I fear they will not only be out of order but they would also commit the House to a ridiculous position. To my mind it seems that we cannot go beyond the terms of the resolution."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I again bow to your ruling, Sir, but I have sinned with several previous speakers. I only wanted to say that his resignation was not due to the publication but that his attitude is such that he would stand by his convictions even though it cost him his appointment. I may also echo the feelings that have been expressed that we will very soon find him again as our Secretary of State; but I only hope that as the result of the election in England the Liberal and Labour parties will have a majority and that Mr. Montagu will become Secretary of State in that future Government and then will not be a Coalition Secretary of State but a Liberal Secretary of State not bound down in any way but free to act according to his convictions, and there is no doubt that India will become an equal partner in name as well as in fact with the great British Empire."

Mr. G. VANDANAM:—"Mr. President, the services of the Rt. Hon. Ed. Montagu will come under four classes; first, he created a large body of electorate, secondly, he offered a training ground for Indian talent, thirdly, he accelerated the pace of India in the march of self-government, and fourthly, he raised the status of India in the British Empire and also in the comity of nations. Mr. Montagu was once reviewing his own work and while so reviewing the one great claim that he put forward was that he created a large body of electorate. It is true there was a small body of electorate before the coming of Mr. Montagu. The political consciousness among the masses was not at all roused but after he came to the India Office he touched the hearts and imaginations of all classes and communities of people so much so that the man in the street discusses nowadays national and even international politics and while discussing them with intelligence he makes a good demand for the enjoyment of his own rights. Thus, almost every man in India now knows what his rights are and also in a way some at least of his duties towards the Government.

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"Secondly, I said he offered a training ground for Indian talent. Now we see that in the front governing benches a majority of the people that occupy high places are our own Indian people and it is a matter for us to greatly congratulate ourselves on this achievement. We really see how well people have been fulfilling the duties that have been committed to their charge and all this is due to Mr. Montagu's selfless endeavours. Further, by the way, I may say that in the Reform scheme the Andhra country has a large share. We may see also in the Provincial as well as the Imperial Government that the Andhras at least for once have been recognized as leading statesmen. Now, when I say that he has offered us a ground for training Indian talent, I say it deliberately because in the Local, Provincial and Imperial Governments our Indian people have been taking a very intelligent share. The Indian people realize that the welfare of India is no longer in the hands of the English people but if India is to be happy it is entirely in the hands of the Indian people themselves. There is that consciousness in the educated people of our country. If he has stirred up the political consciousness of the masses, he has also stirred up a sense of responsibility in the educated people a feeling that they are no longer to live for themselves but must live for the whole country.

"As I said, the third service that he did to India was to bestow on us the gift of the India Act. We know that India was started on the road to reforms by Lord Morley's reforms. But if we compare Lord Morley's reforms with Mr. Montagu's the former are like a shadow. Mr. Montagu, as has been said already, has accelerated our path towards the goal and there is nothing that impedes that path so long as we realize our responsibilities as well as our duties besides realizing our own privileges.

"I said, the fourth thing that he did to India was to raise this country in the estimate of other nations. Some of our own countrymen who had been to western countries like Lord Sinha and others say that, although they had great gifts those gifts were stirred up by coming into contact with European and American politicians. By coming into contact with European and American politicians, they have been able to show how capable Indian men would be if they were given an opportunity. Indians were looking forward for opportunities to prove their mettle and Mr. Montagu had given them that opportunity. We see how well we can compare ourselves with politicians of other countries provided we have the chance. Sir, Mr. President, I say that Mr. Montagu has done all this in spite of the great opposition he had in England from reactionaries and also from inside India from the revolutionaries."

Mr. T. SIVASANKARAM PILLAI:—"Sir, I deem it a privilege to be given an opportunity to subscribe to this resolution. The resignation of Mr. Montagu brings to mind the story of the great Ramanuja who divulged a secret at the cost of his life to benefit humanity at large. We appreciate Mr. Montagu's services by our understanding him. We know that his was the greatest chance in one's life of uplifting a whole country. His achievement is one which has fallen to the lot of no other Secretary of State for India for all these long years in the Government of the British Empire. Perhaps it is in the scheme of things that he should disappear from this arena at this moment, after setting the Indian people on the road to Swaraj or self-government. No doubt his resignation has given rise to a feeling of despondency; that despondency is perhaps of the kind which the child feels

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when the mother leaves it after setting it on its feet and lets it try to walk by herself remaining out of sight watching. The great homage and the gratitude that we can express to Mr. Montagu's services is by trying to walk steadfastly along the road which he has set us upon. That is the only substantial way of showing our gratitude to not only Mr. Montague but to what all he stands for."

Mr. C. NATESA MUDALIYAR :—" Sir, Mr. President, the people of India must be extremely thankful to Mr. Montagu for he has not only given us the reforms but has also given the people of India a status among the peoples of the world. His extended franchise is in fact the first step to the free franchise that must follow. It is on account of the extended franchise that we have got the real representatives of the people of the land in this Council and also in the various Councils of India. In the history of India, for the first time the people of the land are having a hand in the affairs of the State. When the reforms were given it was doubted whether they would be successful. This Council and the various other Councils of India have proved beyond doubt that the reforms are not only a success but that we are ready for more reform and that we are impatient of waiting for the stipulated period of ten years for the next instalment. Sir, we want any amount of reforms under the British Government, provided communal representation is observed in its minutest detail. That is the only salvation for our India of castes and creeds. Mr. Montagu, Sir, was against communal representation in the beginning. I am sure it was owing to his not having sufficient knowledge of the people of India, especially of the people of this Presidency, and also it may have been due to his having believed the statements of self-imposed leaders. Sir, before these reforms came, these leaders complained of the grievances of the public when a public did not exist. They were complaining of headache when there was no head.

"Sir, in Mr. Montagu we are losing one of the most sympathetic, perhaps the most sympathetic Secretary of State and one of the ablest of the Secretaries of State we ever had. We thought through him the Muslim questions would be settled, but we are sorry to find that that was precisely the reason why he had to go. I hope the Secretary of State that is to succeed him will take a very sympathetic view of the Muslim question and try to solve it as amicably as possible."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" Mr. President, I beg to support this resolution. Hon. Members who have preceded me have spoken of the great ability and the tact and the courage with which the Rt. Hon. Ed. Montagu has discharged the very difficult and delicate duties that were entrusted to him. Of him, Sir, perhaps the saying might be uttered with even greater truth than was uttered by another who was a Viceroy that he loved India best next to the land of his own birth and the reasons that have led to his resignation indicate how great and burning was his love for this country, his anxiety to keep the people of this country informed not merely of the attitude of the Government of India but also of his sympathy with their legitimate aspirations. Sir, in the Rt. Hon. Ed. Montagu I reckon one of the world's greatest statesmen. It was he that gave definiteness and clearness not merely to the goal that all true lovers of India must keep before them but also to the means by which that goal could be effectively reached.

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15th March 1922] [Mr. L. A. Govindaraghava Ayyar]

"Reference has been made to the mistakes that the Rt. Hon. Ed. Montagu was supposed to have committed. He must be more than human if in the career with which he was confronted he did not make any mistakes. But all will recognize that even the mistakes that he has committed reveal the excellence of the man, the anxieties that he has been feeling that the goal that he has set for India should not fail to be accepted in consequence of any mistakes that he might otherwise have committed.

"There is just one observation I am tempted to make in view of the absence of the Civilian element in attendance at this debate and that is this. While the Rt. Hon. Mr. Montagu recognized—and every one of us whether we are in sympathy with the Reforms or not will recognize that he was right in that—that responsible Government is inconsistent with a bureaucratic Government, he was also anxious to safeguard vested interests and if we see what great pains he has taken to secure the claims of those already in the Civil Service, to see that their prospects are in no way worsened by the fact that the Reforms are to be an accomplished fact, one can recognize the sense of justice and fair play that dominated him. He was most anxious to do all that lay in his power for the purpose of bettering the condition of the Indian people, of putting them safely and strongly on the road to self-government so that they might by taking advantage of the opportunities that were put in their power be able to realize as quickly as possible their final goal of full responsible government, and coming as his resignation has done at this juncture, it is one that ought to make every one of us regret it, every one of us who feels for the betterment of this country, who is anxious to promote it to the best of his abilities. Sir, to me it appears that whoever may be the successor of Mr. Montagu, it will be difficult for him, if not impossible, to fulfil in their manysided aspects the duties and the rôle of Mr. Montagu.

"It is claimed—and I venture to think very rightly—for the Indian people that one of their best characteristics is that of gratitude and in no case can it be said that that gratitude is better shown or better expressed than in the case of the Rt. Hon. Mr. Montagu, who I have no doubt will fill, when history comes to be written, a most honoured place in the doings of this century and whose name will be cherished by generations yet to come with great affection and with great respect and great regard for the various struggles he has been able to successfully pass through and for the single-mindedness and devotion with which he consecrated himself, as it were, to the betterment of India's condition."

"Mr. C. Ramalinga Reddi:—Mr. President, I also associate myself with the resolution now before the House on the occasion of the enforced resignation of Mr. Montagu. The unanimity of feeling that this Council has evinced to-day is almost unprecedented and this unanimity is not confined to this House only but is a reflex and echo of the unanimity of this empire. I have always been of opinion that we, Indians, are perhaps more responsive to kindness than any other people on earth and that from that point of view to win our gratitude might not be such a difficult thing to achieve as our dislike. It is to me a wonder seeing how grateful and responsive to kindness we are that there has been all this a dismal history of racial and political alienation between England and India for so long. It is to the great credit of Mr. Montagu that he understood us aright, that

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he read our heart aright, and created a new situation of which if full advantage is not taken by successive British statesmen, the fault could not be attributed to their ignorance but only to their deliberate disregard of the glorious possibilities revealed by Mr. Montagu.

"This is not the occasion for a detailed review of all the policies and measures with which the name of this illustrious statesman will be for ever associated. Everybody would grant that there have been mistakes on his part, that he made miscalculations and that the situation in India has developed too rapidly even for his anticipations. He will be the most venturesome person indeed, be he European or Indian, who would claim to know all about the political intricacies of our country and who would claim to prescribe infallible remedies for all our ills. The utmost that I urge on his behalf, and I do not know if anything more could be urged on behalf of any man whatsoever, is that he tried to read the riddle of our country aright, read it honestly and with sincerity of purpose and that he read it better and further than any other statesman who occupied the high position that he has just now relinquished. As I said, this is not the time to enter on a detailed review of his policies and measures. But the bold outlines, the outstanding landmarks of his administration, it is not possible to avoid mentioning on this occasion. If it were, we should be reducing the resolution moved in such lucid terms by my hon. Friend, Mr. Ramalinga Chettiyar, to a mere formality which it is not the intention of any Member of this House to do. Much passion and earnestness has been shown in this House and the reason for that passion, earnestness and unanimity is not to be found in the details of the career of Mr. Montagu but in these bold outlines and landmarks that I have just now alluded to. The ideal that he set himself to achieve for India may be expressed in the statement that he wanted to elevate us out of our old position of a dependency to the status of a dominion. From dependency to dominion, that was the motto of his policy, from vassalage to co-partnership. And the measures that he adopted in pursuance of this ideal, the legitimate right of every nation, could be broadly classified under internal reforms and the adjustment of external relations. With reference to internal reconstruction there is no need for me to add to the many things that have been said about the meaning and purport of the Reforms Act which is due to him more than to any other. I do not mean to belittle the part played by the Indian people themselves in securing that right. He has introduced the principle of responsibility which is the dissolvent of bureaucracy. When and how soon the bureaucracy would dissolve, would depend on how we work these Councils, how we employ the power of the purse and legislation and other political privileges that are now in our hands. There has been a greater change of an executive or administrative nature which he introduced; and that is the complete change, if not in the nature and name, at any rate in the substance of the power he wielded as Secretary of State for India. Till now the Secretaries of State for India had been more rulers of India than representatives of it. It is to the credit of Mr. Montagu that he has introduced a new precedent in that while not prejudicing his position as a ruler he has tried his best to act more as a representative than as a ruler of our country. In so doing he was bringing the Secretaryship of State of India into line with the Colonial Secretaryship. It was this parallelism in a field where he was not dependent on the parliamentary will and the force of public opinion in England, the parallelism between the Dominions

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and India, that was his mission to establish. Much has been said by my hon. friends here about the new angle of vision that had been so much talked of during the war. Except in the case of Mr. Montagu I am of opinion that there has been more angularity of vision and it is only he that has brought to the discharge of his duties that larger outlook, wider sympathy and higher idealism which came almost to the degree of creating nausea, the hollow profession and resounding phrase of war psychology. As we watch the adjustment of our external relations, his mission becomes still more explicit. In the first place he gave us not as a matter of sufferance but of right an equal place with the dominions in the inter-imperial councils. The new nationhood of the dominions composing the British Empire was not to be satisfied by mere equality among themselves but aimed at equality with the sovereign states of the world also; and that again was secured by giving India not as a matter of sufferance but as a matter of right a place in international councils like the Versailles Conference, Washington Conference and the League of Nations. To have raised our country within the short space of four years from the position of a dependency patronised at best, and despised at worst, into that of a co-partner of the British Empire sitting as an equal with the rest of the nations at inter-imperial and inter-national councils, that is an achievement for which if this country is going to be ungrateful, it would never deserve to prosper. (Cries of hear, hear.)

"I have thus classified, Sir, in bold terms the lines of advance which he chalked out for Indian statesmenship in so far as it is Indian in the main, if not in name, but in intent, purpose and substance. But I am sure we will be going to less controversial fields still if we dwell for a moment on the spirit with which he worked. That is best revealed by a glance at the formidable obstacles that he had to encounter and which he successfully overcame in connexion with the Reforms Act. I do not look upon Mr. Montagu as one who created a new cosmos out of an ancient chaos. On the contrary he is best explained in his efforts towards marking one of the great landmarks of advance by the line of policy which had started with Lord Canning and which in its wake in its time had been served nobly by Lord Ripon and others down to Lords Minto and Morley. I put this point forward not to belittle the achievements of Mr. Montagu but to give them their proper perspective and significance. If we thought that all that was done was done by Mr. Montagu alone we will be prejudicing our interests. In the first place, we should then be losing sight of the historical connexion, of the continuity of this policy; and we should be plunging ourselves for no reason whatsoever into the kind of despair which was voiced by some of my hon. Friends here. On the other hand I look upon him as an agent of the better mind of England and of the legitimate aspirations of India. It is in discharging this double trust, the trust of England in her Secretary of State and the trust of India in her Secretary of State with new emphasis on the 'her', that he has won for himself a unique position in the annals of statesmen. He belongs to the small tribe, a rare one indeed, to which belong Lord Canning, Lord Ripon, Lords Minto, Morley and Hardinge, which might be regarded as constituting the moral justification of the British Empire in India. The very act on the ostensible score of which—I do not wish to discuss lest I should be called to order—he has been forced into eclipse, which we all trust will be temporary, is symbolic of the new nationhood of India that he has himself in such a large measure

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aided to build up. Up till now on all questions of foreign policy, India had to approach by the secret door, in humble whispers to the powers that be. She had not the same freedom as the other dominions to speak in her own voice, to speak openly, to speak frankly. I hope the days of backstairs whispering are over and those of general open discussion and frank publicity have come. The publication of the dispatch by the Government of India and the Secretary of State is an action in full conformity with the new status that India has won under their auspices. It is for this reason that India has a right to claim to judge and pronounce her judgment on the resignation. It is because he represented us, it is because he bent down holding our banner aloft that we have every right to say how much we deplore the turn that events have taken. My hon. friend, Mr. Muhammad Padsha Sahib, referred to another distinguished Cabinet Minister who had perpetrated a similar indiscretion, if indiscretion it could be called, which had been perpetrated so often by Cabinet Ministers, with reference to the policy to be pursued towards the Indians in Kenya and told us that while post-prandial declarations have been allowed to be made without calling people into account, a new test and a more rigorous measure has been applied to Mr. Montagu. Perhaps, my friend does not know that at the end of a dinner people are not supposed in quite a responsible frame of mind. (Laughter.) This publication of the Indian Government's dispatch is a declaration to all the world that India will in future where her interests are vitally involved speak with the same openness as the Dominions. We are not bound by the judgment that England may pass on Mr. Montagu or anybody else. We have come to years of discretion constitutionally speaking, and we must claim the right and exercise also the right of judging public servants connected with India ourselves and from our own point of view. Whatever opinion the British public or the British Cabinet may take about Mr. Montagu, we in India have a duty not so much to Mr. Montagu as to ourselves to form our own judgment in the light of our own conscience and in accordance with our own interests and to pronounce our judgment fearlessly. Doing that we in this Council whole-heartedly join hands with all the sister councils in India, Imperial and Provincial, in claiming Mr. Montagu as the greatest maker of modern India.

" Sir, some of my friends have used this occasion to moralise. I deprecate moralising. Some of my friends have given a warning to the Government that this resignation should not become the first incident in a series leading to a reactionary policy. I would rather not spoil, I may use the expression, the sentiment of this occasion by trying to do business also at the same time ; but I would refer to two passages in Mr. Montagu's speeches and writings which are, in my opinion, the very highest tribute to the regard in which he held our country. The first is in that famous report issued in the joint names of Lord Chelmsford and Mr. Montagu in which they say that, however exceptionable some of their proposals may be in the light of cold reason, still they have been put forward ' because of the faith that is in us.' It is faith that leads us on and not the logic of materialism. I would refer to another statement in his famous Cambridge speech breathing the same confidence and regard. He said ' I believe in the people of India'. It is the man who believes in the people of India that ought to be the Secretary of State. If such a Secretary of State is dismissed, we look to the Imperial Government to appoint in his

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stead a man of true faith in us, one who believes in the people of India. However that may be, if we the people of India, believe in ourselves as much as Mr. Montagu did, and will have the same courage and the same perseverance, I am sure in spite of this lamentable event, our onward march could not be thwarted or impeded by any power on earth."

The motion was put to the House and carried unanimously.

Diwan Bahadur R. VENKATARATNAM NAYUDU :—" Mr. President, I crave leave to move and to request on behalf of the House that you, as our universally respected President, will be pleased to communicate the resolution, which has been now adopted in such warm and grateful spirit by the whole House, to the esteemed gentleman whose retirement from his exalted office we all so sincerely deplore, and to his successor, the Secretary of State, to His Excellency the Viceroy and to the Government of India.

" Sir, if I may be permitted to say just one word in this connection, I shall say this. At the dinner given in his honour when he was on leave between relinquishing the Governorship of Bombay and assuming the reins of office here, His Excellency our present Governor stated as the reason for his coming to Madras, that there was a Montagu that shaped his ends. (Cheers). May I, Sir, be permitted to trace back that quotation to its origin and say, there is a divinity that assigned a Montagu to shape the ' ends ' of India. Sir, I am a believer in the poet's vision that ' through the ages one increasing purpose runs ', and in that purpose to me the master note is, as the same poet has said, that union when East and West will with one breath mingle their life and light into a broader and brighter day for whole humanity. Hence to me, Sir, it is a point of faith that providence has designed to employ in this glorious work of thus leading East and West to mingle their life and light, one of the remarkable race which through the vicissitudes of centuries, traces its inspiration to that holy land which is on the border line between East and West. Therefore, I hold it was in the fitness of things that Mr. Montagu should have been chosen to lay the foundation stone of the grand holy place where East and West will in due course meet to worship. (Hear, hear). With these words, Sir, I once again crave, on behalf of the House, your services in communicating this resolution to the authorities concerned."

The motion was put to the House and carried.

The hon. the PRESIDENT :—" I shall do it with pleasure."

III

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1921-22.

The hon. Sir CHARLES TODHUNTER :—" May I move, Sir, for an adjournment of the whole of these demands till the close of the budget debate in order to enable the Finance Committee to examine them beforehand ? "

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I second it."

The motion was put and agreed to.

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IV

A BILL TO AMEND THE COURT FEES ACT, 1870.

The hon. Mr. K. SRINIVASA AYYANGAR :—" Mr. President, I have gone through the various amendments since yesterday. I think in a few cases the language requires alteration and I have so altered it. I have got a copy of the alterations here."

The hon. the PRESIDENT :—" If there are a number of changes which the hon. the Law Member now proposes to bring forward, I think in fairness to the House I should circulate them first. I think the best course will be for this motion to be formally adjourned till we have done with the hon. Mr. Habib-ul-lah's Bill (the Stamp Bill) and in the meantime I will have copies of the changes typed and put into the hands of hon. Members so that they may be able to follow them easily."

The hon. Mr. K. SRINIVASA AYYANGAR :—" I am very thankful to you, Sir. I move that this subject may be taken up after the Bill to amend the Stamp Act is disposed of."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I second it."

The motion was put and agreed to.

V

A BILL TO AMEND THE INDIAN STAMP ACT, 1899.

SCHEDULE I-A, ARTICLE 20.

Amendment 18.

Rao Bahadur A. S. Krishna Rao Pantulu did not move the following amendment and it was therefore deemed to have been withdrawn :—

18. *Under the head 'Proper stamp duty' substitute the words 'ten annas' and 'one rupee four annas' for the words 'twelve annas' and 'one rupee eight annas' respectively.*

SCHEDULE I-A, ARTICLE 25.

Amendment 19.

Mr. A. RANGANATHA MUDALIYAR :—" Sir, I beg leave to move the amendment standing against my name. It reads as follows :—

19. (i) *In column 2 against clause (a) for the words 'seven hundred and fifty rupees' substitute the words 'five hundred rupees'.*

(ii) *In the same column against clause (b) for the words 'three hundred and seventy-five rupees' substitute 'two hundred and fifty rupees'.*

" In commending it for the acceptance of the House I wish to emphasise the fact that most of those who take to education and even to higher education are people drawn from the middle classes. They find education rather a costly affair. The two years' course in the Law College with the heavy fees and the subsequent year's course as an apprentice are all very costly. As a matter of fact, out of the hundreds of graduates turned out of the Law College, comparatively a small number only undergo the apprentice course, and I think the effect of this enhancement would result in still further reducing the number of students who will take to this apprentice course. I

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15th March 1922] [Mr. A. Ranganatha Mudaliyar]

Schedule I--A, Article 25—*cont.*

do not think the Government could contemplate such an event with equanimity.

"If the number of students undergoing the apprentice course gets reduced, it would mean a reduction in the income the Government expect by way of fees for enrolment as High Court vakils. They will be driving a large number of people to go to the mufassal which perhaps may to some extent result in less efficiency of the mufassal bar. Looking at it from any point of view I think, Sir, this enhancement of fees seems to be most undesirable. It cannot be said that law alone should be penalised in preference to other professional courses. For example, those who take to medicine are not charged with such heavy fees. Further the amount was formerly only Rs. 250 or so and it was raised to Rs. 500 only recently in or about 1899. It cannot therefore be said that this fee has been unchanged for the last thirty years as was stated in connexion with another matter. All my remarks apply to the case of advocates also."

1-15 p.m.

Mr. C. NATESA MUDALIYAR:—"I gave notice of a similar motion and I take this opportunity of seconding this. Sir, generally it is the young man of the middle class that has an aptitude to scrape together all the means at his disposal and pass the examinations. After passing the apprentice examination he has to pay a premium to the practitioner under whom he serves as an apprentice. After passing the apprentice examination he has to pay a stamp fee of Rs. 500 to be enrolled as a High Court vakil. Here comes the difficulty. The parents of these young men even while educating them find the task a difficult one and it is possible for them to help the boys only bit by bit by paying the college fees in instalments and such other ways. But when they have to pay a lump sum they are at their wit's end. To increase the present rate by Rs. 250 is a huge addition for a middle class man. Rupees 250 by itself might be a small amount; but Rs. 250 plus Rs. 500 is a sum which it is difficult for a middle class man to pay all at once. While the other professions have free entrance, why should the legal profession alone be penalised? I can very well understand if it is said that litigation should be made more costly but not the legal profession. Sir, I request the Council to save these young men from being asphyxiated even before they start life."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I believe it is not unknown to several hon. Members of this House that I have myself the honour to belong to the legal profession in which I spent a good part of my life; and as such they will believe me when I say that I have my entire sympathy for the profession. The question now is not whether the House is asked to issue an order against its own sympathy for a particular class or profession but whether it would be justified in making anything like a differentiation between one class of taxpayers and another. Yesterday, Sir, we were discussing the broad principles that have been kept in view in the framing of the schedule which is now being considered. It was then explained and I assume the House also fell in with that view on the matter of policy. We do not wish to tinker with individual items in the existing schedule 1 of the Stamp Act but we have adopted the principle of raising certain items by certain percentages. It was also explained, Sir, that the

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[Mr. Muhammad Habib-ul-lah Sahib] [15th March 1922

Schedule I-A, Article 25—*cont.*

lowest percentage which we had adopted in the framing of Schedule 1-A is 50. The House I think accepted that principle and turned down the motion that had been brought forward by my friend Mr. A. S. Krishna Rao which aimed at the reduction of that percentage from 50 to 25. Now in this particular case also, Sir, the ratio of increase is only 50 and as such it cannot at all be said that we have dealt with this class of very useful members of society indeed in any way harsher than the poor tax-payer of the land. For it should be remembered that in the case of the instruments which are executed even for small sums of money from 1 to 50, from 50 to 100 and from 100 to 200 we have adopted a scale of increase at 50 per cent. Now, Sir, it is, therefore, rather hard to agree to any proposal whereby any general tax-payer will have a right to say that a particular class of individuals has been treated differently from himself. I quite appreciate the enormous expense which a young man who joins the Law College has got to undergo during the period of his tuition there. I also recognize the expense which he has to incur while serving as an apprentice under a lawyer. All this may be regarded as something like sowing before one reaps. It may be regarded as capital for the trade or calling which one has chosen for himself. These young men appeared in a deputation before the Select Committee when they sat for the purpose of considering this Bill and laid almost identical representations before the Select Committee who gave this matter their most careful consideration. From the report of the Select Committee it will appear to the House that the Select Committee was not very much convinced of the necessity for making anything like a change in the entry that already found a place in schedule 1-A. I merely invite the attention of the House once more to what the Select Committee have said: 'A deputation of the apprentices-at-law waited on us and represented that even the existing duty of rupees five hundred for enrolment as a vakil of the High Court was being felt as a heavy burden and that any increase would be an unbearable hardship. We have given our best attention to their representations, and we consider that no sufficient case has been made out to reduce the duty which the Bill imposes for entry as an advocate or vakil on the roll of the High Court.' But, Sir, the Select Committee considered that an entry which had been made against the attorneys-at-law which aimed at the exact doubling up of the existing rate was not justifiable and the Committee in the exercise of their discretion reduced that amount from 500 to 375. There is one point, Sir, which strikes me as worthy of consideration. When the deputation waited on the Select Committee the fact was pressed that these young men who have already enrolled themselves as apprentices-at-law and who probably expected to get through their apprentice course by the end of this year had already done so under the expectation that no higher fee than Rs. 500 would be necessary for them to be enrolled as vakils of the High Court. It was also contended that inasmuch as this new condition was sprung upon them as a surprise it was at least equitable, if it was not possible to reduce the fees absolutely, it was at least equitable that in their case an exemption may be granted. We have some such motion in the name of the hon. Member Mr. Natesa Mudaliyar and I think I will be prepared to consider that suggestion as favourably as the House will permit me to do. Barring that, Sir, I think I cannot make myself a party to anything like a distinction in taxation between individuals and individuals."

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15th March 1922]

Schedule I-A, Article 25—*cont.*

Mr. P. SIVA RAO :—"Sir, I have given notice of a similar motion which is tabled as No. 23. I wish to say a few words in support of this amendment. As has been well pointed out, Sir, the profession of law is one of the costliest professions that we come across. It has to be remembered that it is only graduates in arts that are eligible for a law course and it has also to be noted that before becoming a High Court vakil one has to undergo an apprenticeship for about a year. That means again cost, residence in the metropolis, attending High Court and so forth. In addition to all that he will have to pay an appreciable fee to the vakil or advocate with whom he is attached. With all that he has to undergo an examination for which also he has to pay a fee; it has to be remembered, Sir, that these apprentices almost always come from the middle classes and the raising of the fee for enrolment from Rs. 500 to 750 would mean a serious and crushing burden upon this class of people just at the threshold of their career. The hon. the Revenue Member started by saying that he is himself a lawyer and he is all sympathetic towards them. But he never had occasion to be enrolled and never felt the pinch of it. He enunciated while opposing this amendment the principle that he would be favouring one person at the expense of another if he favoured this amendment. In other words, he said that if he supported this amendment he would be guilty of preferential treatment to the class of legal practitioners. Well, Sir, by this increment from Rs. 500 to Rs. 750 the Government seem to look down upon the members of the legal profession. They want to make the profession much more costly than what it now is. I wish the House to consider whether the increment will bring about any serious increase in revenue and I do not think we will have that result. The number of annual enrolment comes to about 20 or 30."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"The hon. Member is misinformed about the statistics. The number is between 100 and 125."

Mr. P. SIVA RAO :—"Very well, Sir, even though I take the figures of the hon. the Revenue Member, the revenue that they can get by means of this increment is not appreciable. They can very well afford to forego this item of increase and make the legal profession less costly than what it would otherwise be. In any event, there is no good of saying that so far as this particular year is concerned, some concession will be shown and the present set of apprentices will not be asked to pay the higher rate. As a matter of principle, as the legal profession is very costly, I seriously object to the raising of fees prescribed for entry of an advocate or vakil or attorney."

1-30 p.m.

Mr. C. V. VENKATARAMANA AYYANGAR :—"I also support the motion now before the House, Sir. At the same time I remember the advice given by the hon. the Finance Member that consistently with what I said at the time of the budget discussion, I must support taxation on lawyers. I must first of all say that I have been misunderstood. Not only has the hon. the Finance Member misunderstood me, but a respectable lady has also misunderstood me and wrote to me a strongly worded letter saying that I was wrong in recommending taxation on prostitutes. All I meant to say was that Kautilya said that one of the sources of revenue was by imposition of

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Schedule I-A, Article 25—*cont.*

taxes upon lawyers and prostitutes. I am against all additional taxation until all possible retrenchments are made.

"Coming to the present subject, I am afraid that there is a misapprehension that this is a tax upon lawyers. It is not at all a taxation upon lawyers. It is a taxation upon apprentices. Though there are various apprentices in various other branches of profession in no other profession is an apprentice taxed. Even here after the apprentice gets into the profession there is time enough to tax him; and the lawyers are already taxed by way of income tax, profession-tax, etc., etc. Therefore to tax a man when he is learning a profession and before he enters the profession and begins to make any income whatever, is rather a step-motherly feeling and I believe that even the original levying of a tax on apprentices was probably done in good old days, when barristers looked on vakils with an eye of jealousy. Probably in those days taxation was found necessary to limit the number of lawyers. In any case the tax that is already levied is sufficiently high and even accepting the view of the hon. the Revenue Member, the additional revenue that can be derived from this source will only be Rs. 20,000 or so. In the interests of education, and in the interest of the profession, I do not think it is desirable to levy additional fee on the apprentices-at-law. I therefore once more appeal to the hon. the Revenue Member that considering the way in which we have supported the financial Bills in this House, he will be pleased to show some concession in this respect and accept this amendment."

Mr. P. T. RAJAN:—"I beg leave to move my amendment, Sir."

The hon. the PRESIDENT:—"I would point out to the hon. Member that the Council has before it the amendment to reduce the fee from Rs. 750 to Rs. 500. The hon. Member's amendment to increase it to Rs. 1,500 cannot be taken up now."

Mr. P. T. RAJAN:—"Ever since the new Reforms, all the taxes have fallen very heavily on the poorer classes and it is high time that the Government make the richer class pay. If we want money, if the Government wants to increase the revenue, they must make those people who are either rich, or who anticipate to become rich in the course of a few years, to contribute to the revenue. Further, my idea in opposing this amendment is this: I want, if possible, to reduce unnecessary litigation. If we are going to have a cheap bar, it will merely induce people even on the slightest provocation to go to a lawyer and engage him. If it is made impossible for the clients to have cheap lawyers, it will induce them to have the cases settled out of courts. For these reasons, I beg to oppose this amendment."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"There are several amendments of the same nature as the one we are considering of which notices are given. Some want to reduce the fee to Rs. 500, some to Rs. 600 and others to have the old rate for a short time and then have the rate proposed in the Bill. I do not know whether the Government will oppose all of them. With reference to those who are already apprentices and those who will undergo their apprentice course this year, I think it is only just to allow them the concession of the present rates. They have entered the course under the belief that they would have to pay the old fee. With regard to

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15th March 1922] [Mr. T. A. Ramalinga Chettiyar]

Schedule I-A, Article 25—*cont.*

the others, Rs. 750 is very high. But there is this financial deficit also facing the province. So if, with regard to those who are already undergoing the apprentice course, Government are prepared to allow the old rate, we may easily come to an understanding on this amendment."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I think I had probably not very definitely stated—I wish now to state it again—that I was prepared to accept amendment Nos. 26 and 28, that in the case of those whose apprenticeship will expire by 31st December 1922, the new rate need not be made applicable. Exception will be made in their case."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I think I must say a word with reference to the opposition of my friend Mr. Rajan. Of course it is a kind of retaliatory measure to amendment accepted by this House yesterday with reference to the barristers. He felt keenly that the fee for appearance of barristers is unjustifiable and therefore he wants to increase the fee for entrance as a vakil or advocate."

The hon. the PRESIDENT :—"The hon. Member Mr. Rajan has not yet moved his amendment. At present the motion before the House is to substitute the words 'Five hundred rupees' for the words 'Seven hundred and fifty rupees'."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Very well, Sir, My friend Mr. Rajan has been driven to this course which he thought to be justifiable as tending to reduce cheap litigation. It is rather remarkable coming from a barrister. But certainly it should not be done by penalising entrance into the profession. Is there any other profession which contributes at the entrance so much as the lawyers are now doing? Is there any entrance fee in the engineering profession of Rs. 500? Do the medical men pay any stamp duty for practising their profession? I should like to know if there is any other profession which pays as much as the lawyer does for the purpose of entering into the profession. This is purely on the English analogy. A good deal has been said yesterday about the scheme of taxation in England and no hon. Member has referred to this question and I wanted to find out what the corresponding contribution is at the entrance of barristers in England upon the exercise of the legal profession. I have received two different opinions—one that there is no such contribution, and the other that the contribution does not come to more than £30 at the outset."

Mr. P. VENKATASUBBA RAO :—"They have to pay £100 in all."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I wish to ask my hon. friend whether he means that £100 has to be paid to the Inns or to the State by way of stamp duty."

Mr. P. VENKATASUBBA RAO :—"By way of stamp duty, Sir."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I was told by a friend of mine, Sir, that it is not more than £30."

Mr. ABBAS ALI KHAN :—"Probably he refers to me. If it is so, I was wrong."

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Schedule I-A, Article 25—*cont.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"There is another hon. gentleman who said that it was £30. I do not know whether he will also say that he was wrong. The fact that he does not rise is a presumption that he sticks to his statement. Therefore unless the hon. the Law Member or the hon. the Revenue Member or the hon. the Finance Member gives us the exact figure, I will assume that it is only £30 there which is equal to Rs. 450."

Dr. P. SUBBARAYAN:—"I think the hon. gentleman has misunderstood what I said. I think all of them are wrong. A barrister has to pay £30 to his Inn and another £30 when he enters the bar, in all £60, which will go to the State and not to the benchers as my hon. friend wants to put it."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"From what the hon. Member has said it is clear that the total contribution is £60. There is also a similar fee here paid by the apprentice to the vakil under whom he undergoes the course. But that is an entirely different matter."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"That is not correct, Sir. I understand the hon. Member who is himself a barrister to say that the £60 go to the State."

Dr. P. SUBBARAYAN:—"Yes, Sir. When we enter the Inns of Court we pay £30 and again when we enter into the bar we pay another £30."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I am afraid my friend Dr. Subbarayan has misunderstood the whole matter. Sir, my contention is this: what is it that is paid at the call to the bar? And my hon. friend Mr. Subbarayan says it is £30. We have absolutely nothing to do with the £30 that is paid at the time when they enter the Inns of Court. All that I submit is that we must clearly know what it is that is paid at the final call to the bar and my hon. friend says it is £30, and here it is already Rs. 500. I therefore submit that the entrance to the profession itself need not be penalised. It seems to me, Sir, that seeing that there is no such fee in any other profession, there should be no such increase or, at any rate, not as much as is now proposed."

1-45 p.m. Diwan Bahadur R. Venkataratnam Nayudu moved the closure which was carried.

Amendment 19 to article 25 was then put to vote and lost.

On the motion of Mr. A. Ranganatha Mudaliyar, a poll was taken with the following result:—

Ayes.

1. Rao Bahadur K. Gopalakrishnayya.
2. Mr. C. Natesa Mudaliyar.
3. Rao Bahadur A. Ramayya Punja.
4. Mr. W. P. A Saundara Pandia Nadar.
5. Mr. T. Somasundara Mudaliyar.
6. Mr. N. A. V. Somasundaram Pillai.
7. Mr. S. Somasundaram Pillai.
8. Mr. A. Subbarayudu.
9. Diwan Bahadur M. Ramachandra Rao Pantulu.
10. Mr. P. Siva Rao.
11. Mr. C. V. Venkataramana Ayyangar.
12. Mr. S. Muttumanicka Achari.
13. Rao Bahadur C. V. S. Narasimha Raju.
14. Mr. A. Ranganatha Mudaliyar.
15. Mr. M. R. Seturatnam Ayyar.
16. Mr. T. Sivasankaram Pillai.
17. Mr. M. Suryanarayana Pantulu.
18. Mr. T. Arumainatha Pillai.
19. Rai Sahib E. C. M. Mascarenhas.

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15th March 1922]

Schedule I-A, Article 25—*cont.*

Noes.

1. The hon. Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, Mr. P. Ramarayaningar.
6. ,, Rai Bahadur K. Venkata Reddi Nayudu.
7. ,, Rao Bahadur A. P. Patro.
8. Mr. C. P. Ramaswami Ayyar.
9. Mr. T. E. Moir.
10. Mr. N. E. Marjoribanks.
11. Mr. F. J. Richards.
12. Mr. C. W. E. Cotton.
13. Mr. R. Littlehailes.
14. Mr. E. Periyanayagam.
15. Mr. R. K. Shanmukham Chettiyar.
16. Mr. A. Ramaswami Mudaliyar.
17. Mr. K. Adinarayana Reddi.
18. Mr. R. Appaswami Nayudu.
19. Rao Bahadur V. Appaswami Vandayar.
20. Mr. S. T. Shanmukham Pillai.
21. Rao Bahadur T. A. Ramalinga Chettiyar.
22. Mr. C. Ramalinga Reddi.
23. Mr. O. Tanikachala Chettiyar.
24. Mr. A. T. Muttukumaraswami Chettiyar.
25. Mr. V. Pakkiriswami Pillai.
26. Mr. P. T. Rajan.
27. Dr. P. Subbarayan.
28. Mr. T. C. Tangavelu Pillai.
29. Mr. P. Venkatasubba Rao.
30. Diwan Bahadur R. Venkataratnam Nayudu.
31. Mr. Abbas Ali Khan Bahadur.
32. Mr. Ahmad Miran Sahib Bahadur.
33. Khan Sahib Muhammad Abdur Rahim Khan Sahib.
34. Mr. L. C. Guruswami.
35. Mr. R. T. Kesavalu Pillai.
36. Mr. P. Venkatarangayya
37. Rao Bahadur T. Namberumal Chettiyar.

The amendment was lost, 19 having voted *for* and 37 *against.*

Amendment 20.

Amendment 19 to article 25 having been lost, the following amendment standing in the name of Mr. C. Natesa Mudaliyar fell through in consequence :—

20. (i) *In column* 2 *against clause* (*a*) *for the words* '*Seven hundred and fifty rupees*' *substitute the words* '*Five hundred rupees.*'

(ii) *In the same column against clause* (*b*) *for the words* '*Three hundred and seventy-five rupees*' *substitute the words* '*Two hundred and fifty rupees.*'

Amendment 21.

The following amendment standing in the name of Mr. B. Muniswami Nayudu was owing to the absence of the hon. Member not moved and was therefore deemed to have been withdrawn :—

21. (i) *In column* 2 *omit* '*Seven hundred and fifty rupees*' *and substitute* '*Six hundred rupees.*'

(ii) *In the same column omit* '*Three hundred and seventy-five rupees*' *and substitute* '*Three hundred rupees.*'

Amendment 22.

Mr. N. A. V. Somasundaram Pillai :—" I beg to move the following amendment standing in my name :—

22. (i) *In column* 2 *against item* (*a*) *omit the words* '*Seven hundred and fifty*' *and insert instead* '*Six hundred.*'

(ii) *In the same column against item* (*b*) *omit the words* '*Three hundred and seventy-five*' *and insert instead* '*Three hundred.*'

" Sir, we know full well that the hon. the Revenue Member may not be inclined to say that there is no increase at all with reference to the stamp duty payable by the vakils and attorneys. It is therefore necessary that we

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Schedule I-A, Article 25—*cont.*

should give a figure raising the stamp duty by some per cent; instead of leaving it at 'five hundred' and 'two hundred and fifty', I think it would be reasonable to make 'five hundred' into 'six hundred' and make 'two hundred and fifty' into 'three hundred.'

"The hon. the Revenue Member himself admitted that though he would be inclined to feel sympathetically towards those young men who are just entering their lives and who are called upon to pay a heavy stamp duty, yet he feared he would lay himself open to the blame that he has been partial to one class of tax-payers against others. But the proposal that I make will altogether absolve him from any such blame. The only question to be considered is whether it is necessary that in the case of High Court vakils and attorneys there should be a raising of stamp duty to the extent of 50 per cent. The hon. the Revenue Member stated that, with regard to the other taxes, the House has more or less agreed to raise the duty by 50 per cent; but this thing has to be considered in reference to that matter, namely, that with regard to those other duties the amount was a very small one and the duty had to be paid by persons who did not enter into any professions at the time but by persons who were already engaged in the service. Part of their duty is to enter into transactions. But so far as the present stamp duty is concerned, it concerns persons who are just entering life and who are just entering their professions. As has been pointed out by some of the previous speakers, there is no profession wherein a person is called upon to pay any such stamp duty on entering the same. It is only in regard to vakils that this is levied. I may bring to the notice of this House that as a matter of fact most of the persons who study for law and who enter the profession of the bar are very poor and not persons who are rolling in wealth. They are persons who have to find money for enabling them to study for the law course. Persons find great difficulty in getting money to pay the masters under whom they have to get themselves apprenticed. At the very outset they are also obliged to borrow money for the purpose of enabling them to enter the profession. If it is not out of place, I may state my own case and the same is the case with many of my friends. At first we were obliged to become teachers for the purpose of raising some money to enable us to study for the law course and then after saving a few rupees we had to enrol ourselves as High Court vakils. As in my own case, I may say that it is the experience of a number of persons who have risen high in life that it was only with very great difficulty they could find money to study for law. We also know that several people borrow money for studying for the law course; it is a very costly course. Therefore I request hon. Members of this House to take that into consideration. Do hon. Members really want that these young men who have got the genius in them, who have got bright prospects before them, should be altogether shut out from the profession to which they are best fitted simply because it is contemplated to raise the stamp duty? Do hon. Members want to put a bar upon them by reason of the stamp duty? So far as the vakils are concerned, there is no analogy at all between the stamp duty payable by them and that payable by other class of persons. With regard to other class of persons they pay stamp duty for the document they execute. As regards vakils, attorneys, etc., they are persons from whom the Government expect to get a very large amount in the

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15th March 1922] [Mr. N. A. V. Somasundaram Pillai]

Schedule I-A, Article 25—*cont.*

shape of income-tax when they begin to earn, but this is not the case with other persons to whom the stamp duties are fixed. In the case of vakils there is a prospective chance for the Government to get money in the shape of income-tax and other things.

"I also wish to bring to the notice of the House another fact, namely, that most of the public men have been drawn from the ranks of the bar and it is the bar that has been even ready to place the services of its members in the cause of the country, in the cause of the poor and the distressed people and in the cause of anything that tends to the moral and mental advancement of the people. Therefore it is that the young men who are prepared to enter that profession must be enabled to do so without any obstacles being put in their way. I was therefore somewhat surprised to hear my hon. Friend Mr. P. T. Rajan asking for the enhancement of the duty with a view to putting an end to unnecessary litigation in the country. Of course, High Court vakils and attorneys are not the only lawyers. There are the first-grade and the second-grade pleaders. It is only if a person wants to become a High Court vakil or an attorney that he has to pay the enhanced stamp duty. There are vakils practising in the mufassal in all the courts and it is not necessary in their case. So far as the mufassal is concerned, unnecessary litigation will go on as usual in spite of the imposition of this stamp duty. If it is intended to stop unnecessary litigation in the mufassal, the Legal Practitioners Act ought to be amended. So far as the mufassal is concerned, the raising of the fees for High Court vakils and attorneys will have very little effect.

"Again, the hon. the Revenue Member stated that the number of High Court vakils enrolled year after year is about 100 and odd. How many of these are practising in the High Court? How many of these are going away to the mufassal? I may point out to the hon. the Revenue Member that most of the persons who go away to the mufassal for practising would not care to become High Court vakils hereafter if the stamp duty is raised. As a matter of fact, the privileges appertaining to the High Court vakils and the first-grade pleaders are more or less the same. So far as every-day practice is concerned, there is not much difference. Only about 10 per cent of those who are enrolled as High Court vakils will be practising in the High Court. The percentage of people who go away to the twenty and odd districts in the Presidency for practising would enormously increase."

The hon. the PRESIDENT:—"I fear the hon. Member is straying far from the specific issue before the House, which is to *omit* the words 'Seven hundred and fifty' and *insert* instead 'Six hundred'."

Mr. N. A. V. SOMASUNDARAM PILLAI:—"All that I want to point out is that in case the stamp duty is raised, there may not be many who enrol themselves as High Court vakils but only a few people who want to practise in the High Court. I, however, bow to your ruling, Sir. I therefore submit, Sir, that, taking into consideration the difficulties that lie in the way of these young men in getting themselves trained and qualified as B.L.'s or M.L.'s, the stamp duty need not be raised to such a large extent as proposed in the Bill. With these few words, I commend my amendment for the acceptance of the House."

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Schedule I-A, Article 25—*cont.*

Rao Bahadur K. GOPALAKRISHNAYYA :—" Sir, I rise to second this amendment. This case is quite different from other cases. No doubt it may be very good on the part of the hon. the Revenue Member to expect some revenue from this source. But as has been pointed out by the hon. Member who moved this amendment the proposal to raise the stamp duties in this respect would scare away practitioners from enrolling themselves in the High Court. It is patent that when a young man enters the profession of the Bar he is not in a position to get his money ; for he has no money of his own, as he has to depend on the protector or some member of the family for the money, who may be unwilling to advance this money to this budding practitioner who intends to enrol himself as a High Court vakil. Therefore there will be a great alarm in his mind that he will not be in a position to do so. In consequence, he may go to the mufassal to practise in the district courts. There is a provision in Hyderabad that nobody should enrol himself as a vakil unless there is a vacancy. Fortunately, we have here the privilege of being enrolled without any limit as to the number. Apart from that privilege there must also be some reasonable latitude in taxing these young men who enter this profession after great trouble. The High Court vakils hitherto pay Rs. 500 before they enter the profession : I think it may be proper to tax them after they enter the profession annually for renewing their sanads as in the case of mufassal pleaders, if the hon. the Revenue Member agrees to reduce the existing rate to a considerable degree.

2 p.m.

" The people actually practising will be able to pay as they earn money. I am simply bringing to the notice of the hon. the Revenue Member that 20 per cent which is now proposed in this amendment is quite reasonable and sufficient in the case of practitioners who are just to be enrolled as High Court vakils. Therefore, I second the amendment."

The Council adjourned for lunch at 2-5 p.m. and re-assembled at 3 p.m.

Mr. O. TANIKACHALA CHETTIYAR:—" Sir, after listening to the eloquent and cogent arguments advanced by Mr. N. A. V. Somasundaram Pillai, I feel that I must support the amendment (Mr. C. V. Venkataramana Ayyangar—' Hear, hear ') to reduce the figure to Rs. 600. His statement of the history of many a law student who ultimately became a lawyer reminds each of us of our own past history. I for one am not ashamed to say that I was in such circumstances that I was obliged to work for my living, and with the wages I got I studied law. The condition of several students who take up law is not dissimilar to mine. The hon. the Revenue Member said by way of objection to the last amendment, which was thrown out for reducing the amount from Rs. 750 to Rs. 500, that the House had decided to increase all taxes by 50 per cent. I quite agree that in transactions conducted by men *inter se* they must subject themselves to the exigency of State demands. So far as these young men who are apprentices at law and who wish to be enrolled as High Court vakils or advocates are concerned, their position is that they are not managers of their own affairs but they depend for their maintenance and support upon their parents or other relations or on kind friends. So there is a distinction between the student who has just completed his course and is still dependent for encouragement on his relatives and others who enter into transactions such as conveyances of

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15th March 1922] [Mr. O. Tanikachala Chettiyar]

Schedule I-A, Article 25—*cont.*

property, etc. Having regard to these conditions and the people who are to be subjected to this enhanced duty at the time of their enrolment, I shall strongly appeal to the members of this House to make a distinction between apprentices who are seeking to enter a profession and who are not masters of their estates and other ordinary citizens who carry on transactions in the ordinary course of life and therefore under the law are liable to pay stamp duties. Even the apprentices are made by this amendment to pay an increased stamp duty of 20 per cent. I think the distinction ought to be maintained, and I request the House to give support to this amendment."

Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, I rise to support this amendment. When the previous amendment was moved, my friend the hon. the Revenue Member said in the course of the discussion that he was prepared to retain the present fee of Rs. 500 in the case of those who had already, in ignorance of the contemplated increase, become apprentices and would be able to enrol themselves before the end of this year. That concession by my hon. Friend was certainly a large-hearted one, and a well-deserved one. But it is only a temporary relief and helps only those who are now apprentices———"

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I did not give that undertaking unconditionally. (Laughter.) I said I was prepared to accept that provided all the other amendments for reduction went by the board."

Diwan Bahadur M. KRISHNAN NAYAR :—" If that was the meaning of my hon. friend he ought not to have given that undertaking in that way. That concession was certainly very much desired by those who are already apprentices, and who, in ignorance of this contemplated increase, have commenced their apprenticeship course. I submit that it is only a temporary relief, and it will not be of any benefit to the new apprentices, as the provision contemplated under this is a permanent increase. My hon. Friend the Revenue Member will surely support me when I say that the House as a whole has been very considerate to him and to the Government in their natural and reasonable attempt to increase taxation for the benefit of the administration. At the same time there are certain limits beyond which we should not go. The speech made by the hon. Mover was a very forcible and touching one and elicited my sympathy in his favour. I had not made up my mind before I heard him. I think, Sir, we ought not to increase the duty to such a large figure as Rs. 750 and Rs. 350 in the case of vakils and attorneys respectively. The Council ought to be content with raising Rs. 500 to Rs. 600, and Rs. 250 to Rs. 300. Certainly the Government requires the assistance of the Council ; we are willing, the Council ought to be willing, to assist the Government ; but in assisting the Government we should see that we do not unnecessarily increase the burden which is on the shoulders of the apprentices and which they would not be able to bear. I hope my hon. Friend the Revenue Member will accept this compromise."

Mr. S. T. SHANMUKHAM PILLAI :—" Mr. President, Sir, I come forward to support the motion after hearing the most pathetic speech of my friend Mr. N. A. V. Somasundaram Pillai. Some of the young men likely to be affected must be poor. They get themselves educated by selling what

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[Mr. S. T. Shanmukham Pillai] [15th March 1922

Schedule I-A, Article 25—*cont.*

little they have, by mortgaging their property or otherwise. Their prosperity will be seriously affected by this measure. The fee of Rs. 750 is too high indeed. Therefore I support the amendment."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"The last speaker, Sir, has practically invoked the sympathy of the House on account of what he called the pathetic appeal made by the mover of this amendment. As I said already, I would beg of the House to remember that if I oppose any reduction in the scale of fees that has already been fixed in the schedule it is not at all for any lack of sympathy for these young men or for the future entrants into the legal profession. I can assure them that I have as much sympathy for them, if not more, as anybody else here. But I want to contest it merely on the ground firstly of justice, and secondly of equity, words which the members of the legal profession constantly emphasise. I said, Sir, that where it is justifiable to tax other individuals on this basis, the members of this profession also should be taxed on the same percentage principles. I say it is not equitable to make any differentiation in taxation between individuals and individuals simply because in this case a few young men are affected and who are more articulate in demanding this concession than the other ignorant people in the villages who probably are even unaware that the Stamp Act is being revised. Therefore, I said, Sir, viewed from any standpoint, it would not be desirable to be carried away merely by sentiment, or by appeals to mercy. I will merely make one or two observations in regard to some of the remarks I have heard. It was mentioned to us that if Rs. 750 was decided upon as against Rs. 500 the future entrants to the legal profession would say farewell and seek 'fresh fields and pastures new.' I am afraid, Sir, that this is putting, as it were, too little value upon the honour of being a High Court vakil and paying very poor compliment to that noble profession. As it is, the mover and the seconder and the other gentlemen who have spoken on this resolution will be satisfied if I agree to the revision of the fee from Rs. 750 to Rs. 600. The bone of contention appears to be a paltry sum of Rs. 150. This paltry sum has not got to be paid monthly or even annually. Once paid, it is paid for ever. So therefore the whole dignity, the entire attraction and all the prospects which a young man has in view in joining the legal profession as a High Court vakil will disappear the moment we demand this additional sum of Rs. 150. That is an argument which I find it difficult to swallow. One hon. Member has practically said that this will scare away practitioners. I for one cannot fall in with that line of argument. It has been sufficiently known that it is not after all the young man who is going to bear this burden; it is some other individual who is going to face the additional burden. It has been made clear that these young men earn nothing by themselves. They have no property of their own from which to meet this demand. Their parents or guardians or somebody else will meet it on their behalf. There is no additional liability against the young men themselves. The parent who has been paying Rs. 500 and who will have to pay Rs. 600 under this amendment can easily bear an additional responsibility of Rs. 150 more.

"When I said I was going to accept item 28 I thought I made it sufficiently clear that while I saw no reason as to why the future entrants into the legal profession should be exempted

3-15 p.m.

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...AS RECORD OFFICE

15th March 1922] [Mr. Muhammad Habib-ul-lah Sahib]

Schedule I A, Article 25—*cont.*

at all from this higher liability because they would be entering it with their eyes open and with a previous knowledge of their obligation, but that in the case of the present young men whose apprenticeship course was to expire on the 31st December 1922, there was, as I said, a semblance of reason at least why they should not be saddled with this additional responsibility. For, I take it, these young men might probably have made arrangements for the purpose of securing the Rs. 500 whereby to enrol themselves in the High Court, and in their case I have not the least objection to allow the exemption; for when I drew attention to that particular amendment which is on the agenda paper, it ought to have been sufficiently plain that it was proposed to be added as a proviso to the existing clause. The proposed amendment is 'In column 2 put a colon after Rs. 750 appearing against clause (*a*) and add the following proviso:—Provided that in the case of entry as an advocate or vakil by any apprentice-at-law whose period of apprenticeship expires by the 31st of December 1922 the stamp duty will be only five hundred rupees.' When I drew specific attention to the particular item which I said I was prepared to accept, there was no reason why I should have been misunderstood as saying that I was willing to permit this extension to be applicable not only to the present young men, but also to the future entrants. I quite realize the significance of the observation made by my hon. Friend in front of me who has reminded me and all the Members of Government that the House has been very conciliatory in the matter of the two taxation Bills which we had the honour of steering through this Council. I fully confess they have been very conciliatory and, may I add, I was fully confident that they would be so, and I am not at all surprised that they showed that attitude towards us, for I know that they realize their joint responsibility for the conduct of Government; they knew that we wanted more money; they knew that they have to supply us with the necessary wherewithal to conduct the administration and therefore they were very good indeed in having enabled us to secure more money. We are indeed beholden to them for that sympathy and that co-operation. But it does not mean that they demand something like a *quid pro quo* for the attitude which they have displayed until now by asking us to surrender this item of revenue. By itself it is not a small item; it would mean an appreciable reduction in the calculations that we have already made. Therefore, Sir, I hope I will not be regarded as trying to conduct an auction of the fee if I would suggest for the consideration of the House the amendment which stands in the name of Mr. Krishna Rao who, I think, has introduced a reasonable proportion in the ratio of increase by the suggestion which he has made, as his amendment would enable a definite increase of 25 per cent in the existing rate."

Mr. O. Tanikachala Chettiyar:—"May I point out that while I appreciate the hon. the Revenue Member's willingness to agree to Mr. Krishna Rao's amendment to substitute 625 rupees for 750 rupees, Mr. Somasundaram Pillai's resolution comprises both classes of lawyers, namely, vakils as well as attorneys. In the case of the vakils the increase of fee has been reduced from 50 to 25 per cent, that is, from 750 rupees to 625 rupees, but in the case of the attorneys, there is no such amendment tabled by Mr. Krishna Rao. Therefore if in the amendment of Mr. Krishna

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Schedule I-A, Article 25—*cont.*

Rao a like provision is introduced in favour of the attorneys also, I shall be glad to accept it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, I hear a whisper, why so much trouble for 25 rupees. Sir, I hope it is realized that our financial position is reduced to that condition that even 25 rupees is not negligible. For, by means of the 25 rupees which I wish to secure from one individual and the extra 2,500 rupees which I hope to secure in all, I will be in a position to meet a part at least of the additional expenditure involved by the revision of the pay of the village officers' establishment. If it is the intention that there should be some reduction, of course I shall certainly give that right to the House to vote as it likes. If there is a desire that there should be some decrease, I would suggest to the House for consideration the amendment of Mr. Krishna Rao which appears something like a reasonable proportion in the increase ; particularly having heard the very reasonable suggestion of my friend Mr. Tanikachala Chettiyar urging similar treatment to the attorneys-at-law. This amendment of Mr. Somasundaram Pillai may, I think, be cleared out of the way before we proceed to the other."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Before the hon. Mr. Somasundaram Pillai makes up his mind as regards the course to be adopted, I think it my duty to make it clear that though I have given notice of the motion to reduce the amount to Rs. 625 I am in hearty sympathy with the motion of Mr. Somasundaram Pillai. I do not think that we should at this stage bargain for the sake of 25 rupees. It is true when I suggested the figure Rs. 625 I had in mind a reduction of 25 per cent only. There has been any amount of discussion regarding the proper fee to be levied and there is also a motion for reducing the increase in the case of the attorneys. But it will lead to complications unless we amend that motion as the motion now before the House is regarding both these classes. After all, when the amount of difference is only Rs. 25 I think that in view of the discussion we have had, the hon. the Revenue Member will be pleased to close up the discussion by accepting the motion."

The hon. the PRESIDENT :—" I will now put this motion to the House, namely—

(i) *In column* 2, *against item* (*a*), *omit the words* '*Seven hundred and fifty*' *and insert instead* '*Six hundred*'.

(ii) *In the same column, against item* (*b*), *omit the words* '*Three hundred and seventy-five*' *and insert instead* '*Three hundred*'."

The motion was declared carried.

On the motion of the hon. the Revenue Member, a poll was taken with the following result :—

Ayes.

1. Mr. R. Appaswami Nayudu.
2. Rao Bahadur V. Appaswami Vandayar.
3. Rao Bahadur K. Gopalakrishnayya.
4. Mr. S. T. Shanmukham Pillai.
5. Rao Bahadur T. A. Ramalinga Chettiyar.
6. Mr. O. Tanikachala Chettiyar.
7. Mr. W. Vijayaraghava Mudaliyar.
8. Mr. C. Natesa Mudaliyar.
9. Rao Bahadur A. Ramayya Punja.
10. Mr. W. P. A. Saundara Pandia Nadar.
11. Mr. N. A. V Somasundaram Pillai.
12. Mr. S. Somasundaram Pillai.
13. Diwan Bahadur M. Ramachandra Rao Pantulu.
14. Diwan Bahadur M. Krishnan Nayar.
15. Rao Bahadur A. S. Krishna Rao Pantulu.
16. Mr. P. Siva Rao.

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Schedule I.-A, Article 25—*cont.*

Ayes—cont:

17. Mr. C. V. Venkatramana Ayyangar.
18. Mr. S. Muttumanicka Achari.
19. Rao Bahadur C. V. S. Narasimha Raju.
20. Mr. C. B. Rama Rao.
21. Rao Sahib U. Rama Rao.
22. Mr. A. Ranganatha Mudaliyar.
23. Mr. M. R. Seturatnam Ayyar.
24. Mr. T. Sivasankaram Pillai.
25. Mr. M. Suryanarayana Pantulu.
26. Mr. T. Arumainatha Pillai.
27. Rai Sahib E. M. Mascarenhas.
28. Saiyid Diwan Abdul-Razzaq Sahib.

Noes.

1. The hon. Sir Lionel Davidson.
2. The hon. Sir Charles Todhunter.
3. The hon. Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. The hon. Mr. K. Srinivasa Ayyangar.
5. The hon. Mr. P. Ramarayaningar.
6. Tho hon. Rai Bahadur K. Venkata Reddi Nayudu.
7. The hon. Rao Bahadur A. P. Patro.
8. Mr. C. P. Ramaswami Ayyar.
9. Mr. T. E. Moir, C.I.E.
10. Mr. N. E. Marjoribanks, C.S.I., C.I.E.
11. Mr. R. Littlehailes.
12. Mr. E. Periyanayagam.
13. Mr. A. Ramaswami Mudaliyar.
14. Mr. K. Adinarayana Reddi.
15. Rao Sahib S. Ellappa Chettiyar.
16. Mr. K. A. Kandaswami Kandar.
17. Mr. J. Kuppuswami.
18. Mr. A. T. Muttukumaraswami Chettiyar.
19. Mr. M. Narayanaswami Reddi.
20. Mr. V. Pakkiriswami Pillai.
21. Mr. P. T. Rajan.
22. Dr. P. Subbarayan.
23. Mr. T. C. Tangavelu Pillai.
24. Mr. P. Venkatasubba Rao.
25. Diwan Bahadur R. Venkataratnam Nayudu.
26. Mr. Abbas Ali Khan Bahadur.
27. Mr. M. C. Raja.
28. Mr. L. C. Guruswami.
29. Mr. R. T. Kesavulu Pillai.
30. Rao Sahib P. Venkatarangayya.
31. Mr. A. M. MacDougall.

The motion was lost, 28 having voted *for* and 31 *against*.

Amendments 23 *and* 24.

The following amendments fell through as raising substantially the same question as amendment 22 which was discussed and lost :—

Mr. P. Siva Rao :—

23. *For items* (*a*) *and* (*b*) *substitute* '(*a*) *in the case of an advocate or vakil—five hundred rupees*' *and* '(*b*) *in the case of an attorney—two hundred and fifty rupees*' *respectively and retain the provisions of the old Bill in relation thereto.*'

Mr. T. Arumainatha Pillai :—

24. *In column* 2 *omit* '*seven hundred and fifty*' *and substitute* '*five hundred*'.

Amendment 25.

3-30 p.m. Rao Bahadur A. S. Krishna Rao Pantulu :—"The amendment that stands in my name runs as follows :—

"25. *Under the head* '*Proper stamp duty*' *substitute the words* '*six hundred and twenty-five*' *for the words* '*seven hundred and fifty.*'

"Sir, in view of the discussion that we have had already on the motion of Mr. N. A. V. Somasundaram Pillai, I think it is hardly necessary for me to say anything in support of this motion. That motion has been lost by a very narrow majority and the decision was largely influenced by a statement made by the hon. the Revenue Member that the existing stamp duty would be raised only by 25 per cent. That, I believe, seems to be somewhat reasonable under these circumstances. I therefore request hon. Members not to raise further controversy over this question but to accept this motion without further discussion."

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Schedule I-A, Article 25—*cont.*

Mr. SAIYID MUHAMMAD PADSHA SAHIB :—"I second it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"As I stated then, Sir, I accept this."

Diwan Bahadur M. KRISHNAN NAYAR :—"In furtherance of what the hon. the Revenue Member himself said on the former amendment before it was put to vote, I beg to state that Mr. Krishna Rao's amendment is only for the reduction of the stamp duty of Rs. 750 required in the case of vakils to Rs. 625. There is no reference made in the amendment to the stamp duty required in the case of attorneys and I understood that the hon. the Revenue Member was prepared to accept 25 per cent increase on the present rate of Rs. 250 in the case of attorneys as well. So that, if you, Sir, and the House will give me permission to meet the wishes of the hon. Member, I will move an amendment to this effect."

The hon. the PRESIDENT :—"Does any hon. Member object to this amendment going forward along with the amendment moved by Mr. Krishna Rao?"

No hon. Member having raised any objection, the amendment was allowed to be moved by Mr. Krishnan Nayar.

Diwan Bahadur M. KRISHNAN NAYAR :—"I beg to move the following amendment to the amendment of Mr. Krishna Rao which is 'to *add the words and further substitute Rs.* 312–8–0 *for the words "three hundred and seventy-five rupees"*'."

The amendment was carried.

The amended amendment was then put and carried.

Amendments 26 *and* 27.

The following motion which stood in the name of Mr. Arpudaswami Udayar was not moved, the member being absent, and was therefore deemed to have been withdrawn :—

26. *In column* 2 *put a colon after 'seven hundred and fifty rupees' appearing against clause* (*a*) *and add the following proviso :—*

"*Provided that in the case of entry as an advocate or vakil by any apprentice-at-law whose period of apprenticeship expires by the* 31*st December* 1922, *the stamp duty will be only five hundred rupees.*"

27. *In column* 2 *put a colon after 'Three hundred and seventy-five rupees appearing against clause* (*b*) *and add the following proviso :—*

"*Provided that in the case of entry as an attorney by any apprentice-at-law whose period of apprenticeship expires by the* 31*st December* 1922, *the stamp duty will be only two hundred and fifty rupees.*'

Amendment 28.

The following motion was not made :—

Mr. C. NATESA MUDALIYAR :—

'28. *In column* 2 *put a colon after 'Seven hundred and fifty rupees' appearing against clause* (*a*) *and add the following proviso :—*

"*Provided that in the case of entry as an advocate or vakil by any apprentice-at-law whose period of apprenticeship expires by the* 31*st of December* 1922 *the stamp duty will be only five hundred rupees*"'.

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SCHEDULE I-A, ARTICLE 39.

Amendment 29.

Mr. N. A. V. SOMASUNDARAM PILLAI :—"The motion that stands in my name runs as follows :—

29. *In column* 2 *against item A* (*b*) *omit the word 'twenty' and insert instead 'ten'.*

"I beg to state article 39 relates to partnership-deeds. The article now drafted in the amendment Bill runs thus :—

"39. Partnership—

A—Instrument of—

	RS.
(*a*) where the capital of the partnership does not exceed Rs. 500	5
(*b*) in any other case	20

"In the existing Stamp Act, article 46, it is fixed that the duty on deeds, where the capital of the partnership does not exceed Rs. 500, is Rs. 2–8–0, and in any other case Rs. 10. Now, they want this Rs. 10 should be increased to Rs. 20 and Rs. 2–8–0 to Rs. 5–0–0. I submit that there is no reason whatsoever for raising the duties cent per cent.

"The development of the country, which will be in the shape of industries and where persons have to enter into partnership with a view to carry on trade or do some useful business, will be much retarded, if the stamp duty is raised as is proposed in the amended Bill. It would be very difficult to have terms of agreements settled between parties, which, in consequence, will lead to enhancement of litigation. It is necessary that persons entering into partnership should reduce their terms to writing.

"With regard to cases wherein the capital exceeds Rs. 500—ordinarily in all cases of partnership the capital invested would be above Rs. 500; generally, it will be Rs. 1,000 or Rs. 2,000—it cannot therefore be said that, the stamp duty should be Rs. 20. It would be a very great hardship upon persons who enter into partnership where the capital exceeds Rs. 500. What I propose is that, instead of Rs. 20, it should be Rs. 10. Otherwise people would be tempted not to reduce their terms of agreement into writing and they will have a different transaction, and, that is, they will simply try to have their terms in memory. This sort of arrangement would create unnecessary confusion among the parties and give room for litigation also. With a view to encourage the system of entering into partnership, it is very necessary that the duties paid on such instruments ought to be a reasonable amount. I, therefore, propose that, instead of Rs. 20, the duty may be Rs. 10."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"I second it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, one peculiar feature which has somewhat amazed me since last evening in the course of the discussion of the Stamp Act Amendment Bill has been the great and ceaseless solicitude that is shown by the House to the poor rich. My hon. friend who has moved this resolution seems to be considerably carried away by that sentiment and that sentiment alone. For

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[Mr. Muhammad Habib-ul-lah Sahib] [15th March 1922

Schedule I-A, Article 39—*cont.*

we found him standing up in his place yesterday and pleading on behalf of the poor rich whose transactions are never less than Rs. 85,000 and to-day again he does not at all care to interfere with transactions of smaller nature which are specifically referred to in clause (2). But he wishes the House to agree to a reduction of 50 per cent in the case of item (*b*) which, from the very context, it is absolutely clear, comprises transactions in which palpably not the poor man but a man higher than the poor will have to pay. I therefore can hardly see the reasonableness of this demand. If he was pleading on behalf of the poor man I could probably have understood him. But, Sir, to be constantly pleading on behalf of a rich man, is a principle which, unfortunately I cannot at all agree to. Probably my friend wants to go back to the old rates of 1889. Here I may add that neither in Bombay nor in Bengal where also they have revised their Stamp Acts has there been a provision for less than Rs. 20 for similar transactions. I would only urge that as an additional reason why the House should not be carried away by any sentiment in favour of the rich. At the same time I would appeal to hon. Members not to make a departure from legitimate course. Let us try to get the proportionate share of taxation from individuals who indulge in transactions of a value higher than what a poor man is able to do by reason of his own circumstances. I therefore see no reason whatsoever to accept the suggestion that we should go back to the old rates and that there should be no increase at all."

Diwan Bahadur M. KRISHNAN NAYAR :—"I think, Sir, that in this particular instance no great hardship is caused. No doubt as my friend Mr. Somasundaram Pillai has stated, the increase is 100 per cent. Though the percentage of increase is 100 the amount after all is not very high. The addition is only Rs. 10 and in the case of dissolution of partnership, where the amount is more than Rs. 500, I do not think that there is any appreciable hardship in increasing the stamp duty from Rs. 10 to Rs. 20. At the same time the amount of Government revenue may be enhanced to an appreciable extent. So that, I think there is no great hardship caused in allowing Rs. 20 to stand."

The motion was, by leave, withdrawn.

Amendment 30.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I beg to move—

30. *Under the head 'proper stamp duty' against item A (b)* substitute *'Fifteen rupees'* for *'twenty rupees.'*

"It will be noticed that in asking for Rs. 15 I am consenting to an increase of 50 per cent. I ask the House to consider whether it is reasonable to increase the existing rate in the case of instruments of partnership exceeding Rs. 500 to the extent of Rs. 50. It may be asked, Sir, that whereas it was a double increase in the case of instruments of partnership where the capital does not exceed Rs. 500 why it should be an increase of 50 per cent only in other cases. I would only request the House to consider as to where they should draw the line if the capital should exceed Rs. 500. In the existing Act the fee fixed is Rs. 5 when the capital of the partnership does not exceed Rs. 500 and Rs. 10 in any other case. Is it to be stated that if the capital of the partnership exceeds Rs. 500, say Rs. 501 or Rs. 502, the stamp duty should be four times the duty fixed for capitals below Rs. 500?

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15th March 1922] [Mr. A. S. Krishna Rao Pantulu]

Schedule I-A, Article 39—*cont.*

Already there is an anomaly in the existing system and that should not be allowed to continue any longer. So long as we are satisfied that it is an anomaly let us not have an unduly large enhancement. Let us be satisfied with a duty of Rs. 15 instead of Rs. 10."

3-45 p.m.

Mr. P. SIVA RAO :—" Sir, I have given notice of a similar amendment which is printed as amendment No. 31 on the agenda. In giving notice of this amendment, I have so far ——"

The hon. the PRESIDENT :—" Order, order. Is the hon. Member speaking on his own amendment or on the amendment moved by Mr. Krishna Rao Pantulu ? "

Mr. P. SIVA RAO :—" Sir, I am seconding the amendment of Mr. Krishna Rao Pantulu which is comprised in my amendment."

The hon. the PRESIDENT :—" There is no such thing as one amendment being comprised in another. Every amendment that comes on for discussion is dealt with on its own merits. Any reference to or remarks in connexion with any other amendment which may come later on will have to be ruled out. At present the House is considering the amendment No. 30 which is to the following effect : " Under the head " proper stamp duty " against item A (*b*) *substitute* " fifteen rupees " *for* " twenty rupees." I would beg of the hon. Member to confine himself to that particular issue."

Mr. P. SIVA RAO :—" Sir, I beg to second the amendment which has been moved by Mr. Krishna Rao. He proposes to reduce the amount of twenty rupees provided under article 39 of the schedule of the Bill as amended by the Select Committee, which provides that where the capital of the partnership does not exceed Rs. 500, the stamp duty should be five rupees and that in any other case it should be twenty rupees. What the hon. Mover proposes is to reduce the stamp duty in the latter case to Rs. 15. In other words, his amendment comes to this. He is trying to increase the present rate by 50 per cent. When the hon. Member in charge moved for consideration of this Bill and also in his later speeches he was kind enough to say that he was proposing an all-round increase of 50 per cent ——"

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I am sorry, Sir, that the hon. Member is misquoting me. What I said was that in *a large number of cases* there was an increase of 50 per cent all round, that there were a few cases in which the increase was $66\frac{2}{3}$ per cent and that there were again a few cases in which there was an increase of cent per cent."

Mr. P. SIVA RAO :—" I will use the words of the hon. Member in charge, Sir. In a very large number of cases there has been a 50 per cent increase. And I would ask with some show of reason why the same increase of 50 per cent which has been adopted in a large number of cases, should not be followed in this case also. Why should this particular case be treated as an exception ? The hon. Member may explain why this particular tax-payer should receive prejudicial treatment at the hands of the Government."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, I do not wish to repeat the arguments which I have already advanced while opposing the other motion which the House has rejected. I think the hon. Seconder, indulging in legal phraseology, has thrown the onus

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[Mr. Muhammad Habib-ul-lah Sahib] [15th March 1922

Schedule I-A, Article 39—*cont.*

of proving the necessity for doubling the scale in the case of the partnerships comprised under clause (*b*) of article 39 on Government. I must certainly confess, Sir, that I allowed my feelings of sympathy to overweigh considerations of finance when I was dealing with the reclassification which was proposed in regard to this item. Had I yielded to that temptation, I would have produced a gradation scale under clause (*b*) whereby the amount of the stamp duty would have varied according to the amount of the partnership involved. But inasmuch as the present Act made no such distinction, and (as I already explained to the House) I did not at all intend to deviate from the principle already incorporated in schedule I of the Stamp Act, I merely followed that schedule and made the necessary changes here and there according to the exigencies of the circumstances. Now in the case of this clause, it will be apparent to every individual that so long as there is no sliding maximum limit fixed for stamp duty, the present fixed maximum will apply to all items of the value of lakhs and lakhs of rupees; and the value of such stamp duty being limited to Rs. 20 can certainly not be regarded as being in any way extravagant. I was not at all keeping in my mind cases where partnerships may be executed for an amount of Rs. 501. I had to keep in mind partnerships of far larger sums, and I believe hon. Members of this House will realize that so far as the City of Madras and a few other cities in this province are concerned partnerships are generally entered into in respect of very large amounts. Is it contended and can it be reasonably contended that in those cases also the stamp duty should be not more than Rs. 10? As I said, if my own inclinations had been permitted a play, I would have produced a gradation scale, but I did not wish to disturb the framework of the schedule attached to the existing Stamp Act. I had simply to retain the present schedule in the existing form, and the stamp duty of Rs. 20 which I have fixed is, I think, the minimum that can be fixed for transactions of that description.

"I may again repeat, Sir, that other provinces have not at all regarded this sum of Rs. 20 as extravagant."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I believe, Sir, that the remarks of the hon. Member for Revenue are calculated to show that he did not want to prejudice those who had large interests at stake and who wished to draw up instruments of partnership for several thousands of rupees by introducing the gradation scale. I think it would have been certainly more logical and reasonable if there has been a gradation scale so as to correspond to the value of property involved in these instruments of partnership. If he had in view the cases of persons who draw up instruments of partnership for amounts between Rs. 500 and 600, it would appear to every one that the stamp duty in the former case should not be higher than that fixed for deeds of conveyance. In the case of deeds of conveyance, when the value exceeds Rs. 500 but does not exceed Rs. 600 it is fixed at Rs. 9; where it exceeds Rs. 600 but does not exceed Rs. 700, it is fixed at Rs. 10-8-0, and so on. It is therefore clear that to the extent to which we can think of instruments of partnership between Rs. 500 and Rs. 1,000, the amount of stamp duty prescribed is far in excess of the amount fixed for conveyances of the same value. Is it a state of things which can be accepted even in the interests of the poorer classes of persons for whom my hon. friend, the Member for Revenue, has shown considerable sympathy?"

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15th March 1922]

Schedule I-A, Article 39—*cont.*

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I am sorry, Sir, that my hon. Friend has lost sight of the main argument which I advanced, namely, that I did not wish to disturb the framework of the schedule attached to the existing Stamp Act. He is quoting conveyances as a sample, where you have a gradation scale. In the existing schedule itself there are gradations and I had merely to follow it."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"The hon. Member for Revenue has not offered any explanation in reply to my argument. I am quite aware that in these cases he has not introduced a gradation scale. But the point which I wish to urge is this. Without fixing any gradation scale for persons who draw up deeds of partnership for values exceeding Rs. 500, the present Bill says that they are bound to pay Rs. 20 in each case, while even for conveyances they are called upon to pay much less than that amount, for values below Rs. 1,000. That is the position to which we have been reduced by adopting a scale whereby we have an all-round enhancement of stamp duty without in any way having a gradation scale which should have been adopted in the case of persons who draw up instruments of partnership for Rs. 1,000 and less. There is no strength in the argument advanced by the hon. the Revenue Member. It is certainly not unreasonable if the hon. the Revenue Member has come to his conclusion from any figures at his disposal showing that in a large number of cases the value involved in deeds of partnership is over Rs. 1,000. If the hon. the Revenue Member has any information at his disposal tending to show that in a large number of cases instruments of partnership are for large amounts and that Rs. 20 would be a reasonable stamp duty and if he furnishes us with that information, I have not the slightest objection to withdraw my motion. But if he cannot convince us that in a large number of cases large amounts are involved, I feel, Sir, that there is a strong case for reducing the amount of duty. If on the other hand he can furnish us with information showing that generally large values are involved in instruments of partnership, we will be in a better position to appreciate his arguments."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I must confess, Sir, that I have not at the present moment fortified myself by the necessary statistics showing the distinction between partnerships of the value of Rs. 500 or more. But I would merely appeal to the personal experience of the hon. Member himself who in his capacity as a successful lawyer should have come in contact with a number of partnership deeds which are executed only where the property involved is of appreciable value, while in other cases, to avoid the stamp duty there is something like a settlement of account executed in an account book with a one anna stamp affixed thereto. These are within the personal experience of many people, which I may mention to the House."

The amendment was then put to the House and lost.

Amendments 31 *and* 32.

The following amendments which stood in the name of Mr. P. Siva Rao were not moved and were therefore deemed to have been withdrawn :—

31. *In the column headed* '*Proper stamp duty*' substitute '*three rupees twelve annas*', '*fifteen rupees*' *and* '*seven rupees eight annas*' for '*five rupees*', '*Twenty rupees*' *and* '*ten rupees*' *respectively.*

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[15th March 1922

Schedule I-A, Article 39—*cont.*

32. *Reduce the rates provided in the second column by* 25 *per cent throughout and make correspondiny alterations accordingly.*

CLAUSE 13.

Clause 13 as amended was then put to the House, passed and added to the Bill.

THE PREAMBLE.

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, I beg to move that for the first draft in the Bill, the following words be substituted :

'*Whereas it is expedient to amend the Indian Stamp Act*, 1899, *in its application to the Presidency of Madras.*'

"As I said, Sir, this amendment is merely intended for the purpose of elegance of expression."

The hon. Sir Charles Todhunter seconded the motion.

The amendment to the preamble was put and carried.

The preamble as amended was then put to the House, carried and added to the Bill.

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I now beg to move that the Bill as amended by the House be passed into law."

The hon. Sir Charles Todhunter seconded the motion.

The motion was adopted and the Bill to amend the Indian Stamp Act, 1899, was passed into law.

IV—*cont.*

A BILL TO AMEND THE COURT FEES ACT, 1870—*cont.*

The consideration of the above Bill was resumed.

4 p.m.

The hon. Mr. K. SRINIVASA AYYANGAR :—"I move in clause 6, *for* the words 'at the end of the first paragraph of sub-section 7 (iv)' *substitute* the words 'after the words "memorandum of appeal" in section 7, paragraph IV'. And *for* the words 'according to the next succeeding clause' *substitute* the words 'in the manner provided for by the next succeeding paragraph.'

"Looking at the wording and arrangement of section 7 (iv) there was some difficulty and to make the wording clear this is introduced."

Mr. C. P. RAMASWAMI AYYAR :—"I second it."

The hon. the PRESIDENT :—"The references are presumably to the Bill as amended on the 13th and 14th instants."

The motion was put to the House and carried.

The hon. Mr. K. SRINIVASA AYYANGAR :—"I now move that in clause 7, *for* the words 'the following clause shall be added as 4-A' *substitute* the words 'between paragraphs IV and V the following paragraph shall be added as IV-A'. I merely want to make it clear as to where it should appear."

Mr. C. P. RAMASWAMI AYYAR :—"I second it."

The motion was put to the House and carried.

The hon. Mr. K. SRINIVASA AYYANGAR :—"I move, Sir, that in clause 13, Schedule I, article I in column I *omit* the words 'and in article 2 of this schedule'. That fixes the *ad valorem* fees in certain classes of suits; in consequence of the amendment made in the House in article 2 of this schedule, this amendment which is consequential is necessary."

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Mr. C. P. RAMASWAMI AYYAR :—"I second the motion."

The motion was put to the House and carried.

The hon. Mr. K. SRINIVASA AYYANGAR :—"I move the next motion, Sir : That in article 6-A *for* the words in the first column 'copy of judgment under the Code of Criminal Procedure' *substitute* the words 'copy or translation of a judgment or order of a criminal court'.

"A new article was added as 6-A in consequence of the amendment that was carried yesterday on the motion of Mr. Sivasankaram Pillai. A consequential change was necessary and that is carried out by the substitution of the words '*copy or translation of a judgment or order of a criminal court*' which makes it clear what the term '*judgment*' under the Code means. I have changed the words to be in conformity with the provisions of clause 6."

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*) :—"I second it."

The motion was put to the House and carried.

The hon. Mr. K. SRINIVASA AYYANGAR :—"Now, Sir, in consequence of the change in article 2 we have to change the heading in the schedule. Hon. Members will see at page 8 of Schedule I all the *ad valorem* fees leviable on suits in courts of small causes outside the Presidency town. What I am now proposing is the leaving out of the name 'courts' and substituting of the class of suits intended, so that it may be clear to what particular cases the schedule would apply. To that end, I move—

"In page 8, table of rates, *omit* all the words and figures after 'leviable' and *substitute* '(*a*) on plaints, etc., mentioned in article 1 of this schedule' and *insert* the following table of rates :—

[Here read table of rates on pages 9 to 12 of the Bill as amended by the Select Committee.]

"Plaints, etc., mentioned in article 1 includes plaints, written statements, pleadings including a set-off and counter-claim, and this schedule is only a computation of the fees payable in respect of suits to which article 1 applies."

Mr. C. P. RAMASWAMI AYYAR :—"I second the motion."

The motion was put to the House and carried.

The hon. Mr. K. SRINIVASA AYYANGAR :—"I now propose a similar amendment for the purpose of carrying into effect the computation of rates with regard to suits mentioned in article 2. The amendment is : to *omit* all the words and figures after '*ad valorem* fees' in page 9, and *substitute* 'leviable (*b*) on plaints, etc., mentioned in article 2 of this schedule' and *insert* the following table of rates :—

[Here read table of rates on page 8 of the Bill as amended by the Select Committee.]

Mr. C. P. RAMASWAMI AYYAR :—"I second the motion."

The motion was put to the House and carried.

The hon. Mr. K. SRINIVASA AYYANGAR :—"I now move, Sir, that this Bill be passed into law."

Mr. C. P. RAMASWAMI AYYAR :—"I second the motion."

The question that the Bill to amend the Court Fees Act be passed into law was put and carried.

The Bill as amended was passed into law.

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VI

A BILL TO AMEND THE MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE ACT, 1894, *AND* THE HEREDITARY VILLAGE OFFICES ACT, 1895.

The hon. Khan Bahadur MUHAMHAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, I beg to present the report of the Select Committee on the Bill to amend the Madras Proprietary Estates' Village Service Act, 1894, and the Hereditary Village Offices Act, 1895, and to move that the Bill be taken into consideration. In passing, I will merely add that the Committee have in the course of their careful consideration of the Bill introduced two very necessary safeguards : firstly, in the nature of an additional clause whereby the Act will be in force for only a limited period specified therein, and secondly, by introducing an additional safeguard that the provisions of this Bill when it becomes Law shall not be introduced into any particular area without a notification by the Local Government published in the *Fort St. George Gazette* and the local official gazette of the district."

The hon. Mr. K. SRINIVASA AYYANGAR :—"I second the motion."

The motion was then put to the House and carried.

The hon. the PRESIDENT ;—"I shall now, according to the usual practice, put this Bill clause by clause to the House."

CLAUSE 1.

Clause 1 was then put to the House, passed and added to the Bill.

CLAUSE 2.

Amendment 1.

Mr. T. ARUMAINATHA PILLAI ;—"I beg to move, Sir, that in clause 2 *for* '31st December 1923' *substitute* '30th June 1923'.

"I believe, Sir, that when this Council passed the Revenue Recovery Amendment Act, we limited the period of its operation to the 30th June 1923. The same reasons which induced the Government to introduce the Bill and also the Council to give its acceptance to the same are also the reasons which induced the Government to introduce this Bill probably for practically the same reasons. Also it was on account of the same reasons that this Bill was referred to the Select Committee and I do not believe, Sir, I need say anything further. According to that Bill it was provided that it should cease to be in operation on that date. And as the present Bill also is intended to prevent the troubles arising in connexion with the same movement, I believe, it is far better that we give a sort of uniformity to both these Acts. I beg to move the amendment standing against my name."

Mr. A. RANGANATHA MUDALIYAR :—"Sir, I have given notice of a similar resolution and I beg to second this resolution. I do not think that here is any particular object in extending the duration of the Act to 31st December 1923. The Government expected some trouble with regard to the collection of revenue and that is the reason, I think, for the Bill before us. The general revenue collections are generally over by the 30th June and there is no reason to keep this Act in operation for another six months. The Government loses nothing by accepting this amendment."

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Clause 2—*cont.*

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, I take it that this amendment is more or less for the sake of an amendment. There is very little difference practically between 30th June 1923 and 31st December 1923 from the administrative standpoint. The 30th of June was specifically fixed in the Revenue Recovery Act because that denoted the termination of the fasli before which the collections relating to that fasli had to be completed. In the case of the village officials, they are not intended merely for the collection of revenue but in respect of thousand and one other duties which devolve upon them. This question was seriously considered by the Select Committee and it came to the conclusion that the date to be fixed in this Bill might very well terminate at the end of a calendar year and that is why the 31st December 1923 was selected, not because we attached any significance to the 31st December 1923 in itself, nor were we guided by the advice of any astrologer."

4-15 p.m.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"The hon. the Revenue Member has not shown that there is any objection to accept the 30th June 1923. The only point that he has made out is that he wants to keep the village officers under trim till the end of the calendar year. But the Council will remember the circumstances under which these two Bills were introduced. When these Bills were introduced, the hon. the Revenue Member was good enough to tell us that as a result of the investigations which the Government made, they brought in these two Bills with a particular object in view. The question of the village officers came prominently into consideration because of the fact that they were largely responsible for the collection of revenue in various tracts affected by non-co-operation. When we realize this question, can any reason be shown for introducing one period in the case of the Revenue Recovery Act and a different period altogether in the case of the present Bill under consideration? He has not been in a position to suggest any tangible reason for keeping on this Act till the 31st December. It is as it were by a rule of thumb that he wants to keep these officers under trim till the end of the calendar year. It might as well be made uniform by having the same period in this Bill as in the case of the Revenue Recovery Bill. I therefore support this motion."

Mr. M. SURYANARAYANA PANTULU :—"Sir, the hon. the Revenue Member has just now told us that the reason why the term has been extended to 31st December 1923 was that the village officers have something to do not only with the collection work but there were a thousand and one things that they were required to do and that they should be kept under thumb. May I ask the hon. the Revenue Member whether the thousand and one things which are required of them will not be required after the 31st December 1923? May I ask the hon. the Revenue Member whether subsequent to 31st December 1923 these village officers need not be kept under thumb? My hon. friend the Revenue Member has told us that he has put the term to the end of the calendar year. Why not put it to the end of the official year? There is as much reason for the official year as there is for the calendar year. It stands to reason therefore that this Act should come to an end simultaneously with the other Act, namely, the Revenue Recovery Amendment Act which we passed the other day. It seems to me therefore that it

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Clause 2—*cont.*

is very desirable that this Act should come to a close at the end of the fasli year, 30th June 1923. I therefore support the amendment."

The hon. the PRESIDENT :—" Does the hon. Member Mr. Arumainatha Pillai wish to reply ?"

Mr. T. ARUMAINATHA PILLAI :—" There is no necessity to reply especially after what the hon. the Revenue Member has said that there was no magic in putting either the 30th June 1923 or the 31st December 1923."

The amendment was put and lost.

Mr. T. Arumainatha Pillai demanded a poll which was taken with the following result :—

Ayes.

1. Mr. K. Adinarayana Reddi.
2. Rao. Bahadur K. Gopalakrishnayya.
3. Mr. W. Vijayaraghava Mudaliyar.
4. Mr. J. Kuppuswami.
5. Mr. A. T. Muttukumaraswami Chettiyar.
6. Mr. M. Narayanaswami Reddi.
7. Mr. K. Sitarama Reddiyar.
8. Mr. N. A. V. Somasundaram Pillai.
9. Dr. P. Subbarayan.
10. Mr. P. Venkatasubba Rao.
11. Diwan Bahadur M. Ramachandra Rao Pantulu.
12. Rao Bahadur A. S. Krishna Rao Pantulu.
13. Mr. P. Siva Rao.
14. Mr. C. V. Venkataramana Ayyangar.
15. Rao Bahadur C. V. S. Narasimha Raju.
16. Mr. A. Ranganatha Mudaliyar.
17. Mr. M. R. Seturatnam Ayyar.
18. Mr. M. Suryanarayana Pantulu.
19. Mr. T. Arumainatha Pillai.

Noes.

1. The hon. Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, Mr. P. Ramarayaningar.
6. ,, Rao Bahadur A. P. Patro.
7. Mr. C. P. Ramaswami Ayyar.
8. Mr. T. E. Moir.
9. Mr. M. E. Couchman.
10. Mr. N. Macmichael.
11. Mr. F. J. Richards.
12. Mr. C. W. E. Cotton.
13. Mr. R. Littlehailes.
14. Mr. A. Ramaswami Mudaliyar.
15. Mr. R. Appaswami Nayudu.
16. Mr. S. T. Shanmukham Pillai.
17. Mr. S. Somasundaram Pillai.
18. Diwan Bahadur R. Venkataratnam Nayudu.
19. Diwan Bahadur M. Krishnan Nayar.
20. Saiyid Diwan Abdul-Razzaq Sahib Bahadur.
21. Sir James Simpson.
22. Mr. A. M. MacDougall.

The amendment was lost, 19 voting *for* and 22 *against* it.

Amendment 1-*B*.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I beg to propose—

1-*B*. *Substitute the word* '*continue*' *for the word* '*remain*'.

" It is a mere formal amendment."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I second it."

The hon. Khan Bahadur MUMAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I accept the change."

The motion was put and carried.

Amendments 2 *to* 5.

The following amendments to clause 2 fell through in consequence of the result of amendment 1 :—

Mr. B. MUNISWAMI NAYUDU :—

2. *Omit* '31*st December* 1923' *and substitute* '30*th June* 1923'.

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Clause 2—*cont.*

Dr. P. SUBBARAYAN :—

3. *For the words* '31*st December* 1923' *substitute* '30*th June* 1923.'

Mr. A. RANGANATHA MUDALIYAR :—

4. *Substitute* '30*th June*' *for* '31*st December*.'

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

5. *Substitute for* '31*st December* 1923' *the words* '30*th June* 1923.'

Amendment 5-*A.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, I beg to propose—

5-A. *Substitute the following for the second paragraph* :—

'*This Act extends to the whole of the Presidency of Madras and it shall come into force in any local area as the Governor in Council may direct by a notification in the Fort St. George Gazette and the Official Gazette of the district.*'

"There is no difference in substance between this amendment and what is contained in the Bill. This amendment is intended to bring the Bill into conformity with the existing phraseology in the Revenue Recovery Act."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"I second it."

The hon. Sir LIONEL DAVIDSON :—"The ordinary reader of that clause will think that the word 'any' in 'in any local area as the Governor in Council may direct' refers to something going before it. I am quite aware that it is possible to put some other construction on it. I think it would be wise to say 'in such local area as the Governor in Council may direct.' As it now stands, it will clearly be read as 'in any local area as the Governor in Council may direct' and will be subject to criticism on the score of grammar."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I accept the suggestion."

The hon. the PRESIDENT :—"Let somebody move an amendment to that effect."

Diwan Bahadur M. KRISHNAN NAYAR :—"I propose that for the word 'any' in the second line of that clause the word 'such' should be substituted."

Mr. M. SURYANARAYANA PANTULU :—"I second it."

The hon. the PRESIDENT :—"Does the Government accept the amendment?"

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Yes."

The amendment was put and carried.

The hon. the PRESIDENT :—"The motion now before the House is—

5-A. *Substitute the following for the second paragraph* :—

'*This Act extends to the whole of the Presidency of Madras and it shall come into force in such local area as the Governor in Council may direct by a notification in the Fort St. George Gazette.*'

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Clause 2—*cont.*

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I would point out that unless there are reasons for showing that there is any defect in the present clause of the Bill I am not satisfied about the necessity for the amendment that has been proposed. The amendment as passed by the Select Committee is to the effect that 'This Act shall remain in force till 31st December 1923.' This Act shall be applicable to such part of the Presidency of Fort St. George as the Governor in Council may, from time to time, direct by notification in the *Fort St. George Gazette* and official gazette of the district. The first portion of it states that 'This Act shall remain in force till 31st December 1923.' It only shows that the Select Committee after careful consideration arrived at the conclusion that this Bill should be limited in operation both as to the time and also as to the area. If I correctly understand the significance of this clause, it means that the Select Committee do not wish that this Bill should be extended to the whole of this Presidency but that it should be limited in operation to a particular area. The Select Committee, I believe, even without a dissentient voice ratified the suggestion that this should be temporarily in force up to December 1923 and also that it should be in operation in a particular area. If the hon. Mr. Ramachandra Rao's amendment is to be accepted, it means that we are going much further than the recommendations of the Select Committee and that its operation would be extended to the whole Presidency though it will come into effect in certain areas by the issue of a notification in the *Fort St. George Gazette* and in the local official gazette. I believe that there is a radical difference between the two positions. The amendment of my hon. friend is likely to place matters in a more difficult position than at present. Simply because these words occur in some other enactments we need not copy them. We must have substantial reasons for changing the view of the Select Committee before taking quite a different course altogether. I can understand the attitude of the hon. the Revenue Member in accepting this motion because, so far as this amendment is concerned, it extends the operation of this Act in specified areas as was proposed to the whole Presidency, though no doubt it will come into operation in certain areas on the issue of a notification. I am sorry I have to oppose this amendment."

Mr. P. SIVA RAO :—"Sir, I have the misfortune to oppose the amendment now before the House. I do so for the main reason that it is unnecessary. There is the preamble of the Act and then there is a section defining the local application of it and I think, Sir, it may result in a contradiction in terms to say that this Act applies to the whole of the Presidency and shall come into effect only in such portions of the Presidency as the Governor in Council may notify. What is the object of saying that this Act shall apply to the whole of the Presidency when we want to qualify that provision in the very clause by saying that it shall come into force only when the Governor in Council chooses to notify its application to any particular area? The wording adopted by the Select Committee is very happy and does not require any change. The Committee prescribes the local extent of application of the Act by saying that it shall not be applicable to the whole of the Presidency but only to such portions as the Governor in Council may notify. I think it is a very necessary safeguard made by the

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members of the Select Committee for which I take this opportunity to thank them. I thank the hon. Member in charge of the Bill also for introducing this change. It is a very effective safeguard and much of the rigour of the Act is relaxed thereby. After the introduction of this clause, if any attempt is made to belittle the effect of this very useful amendment, we must in all conscience oppose it. Let the provision made be there as it is. Moreover the hon. Mover has not given any reason whatever why we should adopt a different wording from the one which was deliberately adopted by the members of the Select Committee."

Mr. O. TANIKACHALA CHETTIYAR :—" Sir, I beg to associate myself with what my friends Mr. Krishna Rao and Mr. Siva Rao have said with reference to the amendment. There is no reason shown why this amendment should be introduced. The Select Committee has gone fully into the matter and they have decided to limit it only to such places as may be specified by notification. My hon. friend Mr. Ramachandra Rao who has hitherto been always for curbing the pace at which the Government are going has, I am afraid, out-Heroded Herod in asking for extending the operation of the Bill. Sir, his policy as the leader of the opposition has been always to put a curb on the executive Government and I do not see any reason why he should not have placed this suggestion before the Select Committee of which he was a member. With these words, I oppose the amendment."

Diwan Bahadur M. KRISHNAN NAYAR : —" Sir, I rise to oppose the amendment purely on grammatical considerations, because the first part directly contradicts the second if the amendment be accepted. The first part says that the Act extends to the whole of the Presidency of Madras. The second part says that the Act shall apply to other parts as well on the happening of a certain event, viz., the publication of a Government notification. The first part directly contradicts the second and apart from the other reasons given by Mr. Tanikachalam Chettiyar and other speakers on the grammatical construction of it, it seems to me that it is wholly inconsistent."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I am sorry, Sir, that my hon. friends have entirely misunderstood the object of the amendment. My friend, Mr. Tanikachala Chettiyar, said that it has been my policy always to put the curb on the executive Government. I am entirely at one with him that that should be the policy not only of myself but also of himself. Having said that I should like to explain my position. The phraseology which I introduced is to be found in almost every Madras enactment with reference to its extent of application. I would refer my hon. friends to the Madras Abkāri Act of 1886, and the Food and Drugs Act passed in 1918. The operation of this Act is also capable of being expanded to the whole of the Presidency but the extension has to be done by a notification and that is exactly the proposition that has been put forward in the second part of section 2. Therefore the apprehensions of inconsistency expressed by Mr. Krishnan Nayar are absolutely unfounded because if this is inconsistent, the same may be said of every other enactment in the Madras Code. I am perfectly certain that my hon. friends will notice the same phraseology in the language of every Madras enactment so that, in substance, there is absolutely nothing new. This was intended merely to secure uniformity in the drafting of enactments. I do not

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Clause 2—*cont.*

intend to the slightest extent to extend the scope of the Bill but my attempt was merely to bring it in conformity with the existing language. But my hon. friends are all frightened that I intend to extend the scope unnecessarily and I therefore beg leave to withdraw my amendment so as not to frighten my friends into a belief of that sort."

The motion was then by leave withdrawn.

Diwan Bahadur M. KRISHNAN NAYAR :—" Before you put the clause to the vote, Sir, with your permission and with the consent of the Council I wish to move a verbal amendment to clause 2."

Leave to move was granted and Mr. Krishnan Nayar continued.

" The verbal amendment is to substitute ' Madras ' for ' Fort St. George.' It is in accordance with so many other amendments which the hon. the Revenue Member himself moved in regard to the Stamp Act Amending Bill."

Mr. S. MUTTUMANICKA ACHARI :—" I second it, Sir."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I have no objection to accept the motion."

The motion " that in the second paragraph for the words the ' Presidency of Fort St. George ' the words ' Presidency of Madras ' be substituted " was then put and carried.

Clause 2 of the Bill as amended was then put and carried. The clause was added to the Bill.

CLAUSE 3.

Amendment 5-*B.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I beg to move—

5-B. *Put a comma after the word ' Act ' in line* 3 *and omit ' II of ' in line* 4.

" The reason for my motion is this. The citation of this Act is ' The Madras Proprietary Estates' Village Services Act, 1894.' That is the short title given in the enactment. The object of the proposal is therefore not to introduce any new matter but to adopt the citation of the enactment as in the original Act."

Mr. A. RANGANATHA MUDALIYAR :—" I second it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I have no objection to it."

The motion was put and adopted.

Amendment 5-*C.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" My next amendment, Sir, which I beg to move is—

5-C. *Add the word ' Madras ' before ' Hereditary ' in line* 4.

" The reason for the motion is simply to adopt the language of the citation of the Act as in the original enactment."

Mr. S. MUTTUMANICKA ACHARI :—" I second it, Sir."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I accept the amendment, Sir."

The motion was put and carried.

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Clause 3—*cont.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I move—

Put a comma after the word 'Act' in line 5 and omit 'III of' in the same line.

" This amendment is also intended to bring the language in a line with the usual phraseology of the Act."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I second the motion."

Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, I have no objection to this particular amendment, but it is a well-known doctrine that punctuation is not part of the Act and courts are not bound by any punctuation that is adopted by the framers of the Act and it seems to me to be embarrassing that this House should pass any resolution relating to punctuation. Whatever hon. Members may ask us to do in regard to punctuation, it can never be regarded as part of the Bill."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I am really surprised at the statement made by the hon. the Advocate-General. If by means of the punctuation proposed to be inserted the Act reads better, is it even then the contention of the hon. the Advocate-General that motions to that effect should not be made ?"

Mr. C. P. RAMASWAMI AYYAR :—' My answer is this, Sir. Whatever punctuation is adopted by the printer or by this Council, if the reading of the Act gives rise to a different interpretation, the punctuation will be disregarded by the courts in giving effect to the Act. That is a well-known rule of interpretation. Having regard to that rule, it is well that legislative assemblies do not spend their time in finding out what is the proper punctuation to be adopted."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I am satisfied with my hon. friend's advice, but I still believe that when an Act is before us, it is our duty to scrutinise it and suggest even punctuation marks wherever necessary."

The motion was put and carried.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—" Next I beg to move—

Substitute the words 'The Madras Hereditary Village Offices Act' for the words 'Act III of' in lines 8 and 9.

" This is also an amendment similar to the previous ones and I need not at all say anything in support of it."

Rao Bahadur C. V. S. NARASIMHA RAJU .—" I second it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I have no objection to it, Sir."

The motion was put and carried.

Amendment 6.

4-45 p.m. Mr. C. RAMALINGA REDDI :—" Mr. President, I beg to move the amendment standing in my name which runs thus :—

6. *Omit all the words after 'resignation' occurring in lines 10 and 11 of the clause and insert 'in consequence of any political movement directed against the authority of Government'.*

" The Select Committee's report admits that it is desirable to define the nature of the offence. It proceeds to argue however that it is not possible to

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Clause 3—*cont.*

lay down such a definition. I suggested one or two amendments, but the hon. the Advocate-General pointed out that they would only lead to a great deal of litigation and that further they did not really help to define the offence in clear and unmistakable terms. I first suggested 'for political reasons, or in order to embarrass the Government'. This was because the hon. the Revenue Member when he introduced the Bill definitely told us that this was weapon No. 2 in the series of measures that were forged for combating the non-co-operation movement. I thought that if that was the object, it would not be wise or proper to leave that object out of the Bill altogether. I was given to understand that my original suggestion would not conduce to clearness because a man might say that his wife having threatened to commit suicide by the command of Mahatma Gandhi he was obliged to resign. In such case he would resign not to embarrass the Government but to escape domestic embarrassment himself. As regards political reasons, that appeared to be too wide an expression. Some objective standard which would not imply such subjective elements was desirable. I therefore gave a notice of the amendment which now stands in my name. If this amendment is carried, we will not be going into the motives and reasons for which the village officer resigns his post. We say that if he does it in consequence of any political movement, however it may operate in respect of him, directed against the authority of the Government, he should suffer these special penalties. Now, in the case of Kistna and Guntur districts, the village officers resigned as a result of the intimidation by non-co-operators, and their case also will be covered by the phraseology now suggested. If they resign because of the pressure exerted by wife or son or by students, or by volunteers, if for any reason they leave their posts in consequence of any political movement of the type of non-co-operation, they would come within the penalties prescribed in this Bill. I therefore think that there ought not to be much objection to the acceptance of this amendment. With these few words I commend this amendment to the favourable consideration of the House."

Rao Bahadur K. GOPALAKRISHNAYYA:—" Mr. President, I rise to second this amendment. Hon. Members will notice that I have given notice of a similar amendment to the same effect tabled on the agenda as No. 12. This amendment, Sir, deals with section 16 of the Madras Proprietary Estates' Village Service Act, 1894, and section 7 of the Hereditary Village Offices Act, 1895, where the Collectors have ample powers to suspend, remove or dismiss village officers for certain kinds of misconduct. The amendment as is approved by the select committee appears to throw the burden, quite contrary to the fundamental principles of law, on the village officers to show cause why they should not be dismissed. The present Bill assumes more or less as a rule that the village officer for certain reasons should be dismissed, but the exception will have to be made out by the village officer himself if the present amendment as is suggested in the amending Bill is to be accepted. This is a reverse process, exception becoming a rule and the rule an exception. Then again, Sir, if this clause as it stands at present is to be carried, it will work a great deal of hardship as pointed out by the hon. the Mover. Probably the hon. the Revenue Member might come forward and say that this form of dismissal has a remedy by way of appeal to the Board of Revenue. But, Sir, we know what the fate of such appeals will be. It is the word of

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Clause 3—*cont.*

the real man on the spot that would count especially with this scare of non-co-operation being at the bottom of the so-called misconduct of the village officer. Then again any particular subordinate of the Collector might make a report against any village officer making this as an ostensible reason so as to make out a case against him with a view to effect his dismissal though the real reason may be different. Of course, generally, the Collectors will be guided by the reports of their subordinates. In cases of this sort, generally, no broadmindedness or foresight will be exercised by the executive officers. This reminds me, Sir, of an incident which occurred in the mediæval days of the history of the Andhras when one Mr. Goparaju Ramanna Pantulu, an advisor under the Nawabs, out of sympathy for his own castemen who were Niyogis, waited for an opportunity of drawing powers from the Nawab, dismissed in the course of three days six thousand village officers who were Viswa Brahmans and appointed in their place his own castemen who at present go by the name of 'Arvela Niyogi'. The real cause for this wholesale dismissal was a religious controversy though the ostensible cause was some alleged misconduct. That probably, Sir, might recur if we really adopt the clause as it now stands. The misconduct might be with regard to several things. It may be that the misconduct of the village munsif is for lack of duty in making proper supplies for which no payment is ordinarily made by lower subordinates, of course barring honourable exceptions. Again it may be for his failure to bring a cow to the bungalow of the officer, for being milked under the personal supervision of a cook so that the milk might not be diluted with water. He has to do such things just to please the fancy of the officers. These are all experiences of mine in the villages.'

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I wonder, Sir, if all this vituperation against the officials is at all relevant to the issue."

The hon. the PRESIDENT:—"I should probably have called the member to order, but so far as I am able to gather, the idea is that the officer to whom good milk is not supplied may use this particular clause against the delinquent village officer. (Loud laughter.) I have nothing to do with the reasonableness of the argument, but I have only to do with its relevancy. I gather from what the hon. Member has said that the district officers may use this weapon oppressively against village officers who do not make adequate supplies. Is not that the hon. Member's point?"

Rao Bahadur K. GOPALAKRISHNAYYA:—"Yes, Sir. It is exactly so."

The hon. the PRESIDENT:—"Then I suppose it is relevant." (Laughter.)

Rao Bahadur K. GOPALAKRISHNAYYA:—"I thank you, Sir, for having come to my relief. What I meant to say was that any cause might be taken to be a political cause, because the Collectors or the revenue heads of the districts will among their multifarious other duties not be in a position to gather things personally. They will have to depend upon the reports of their lower subordinates and the lower subordinates, if they are displeased with the village officials for any such reasons, will make political capital out of such an alleged misconduct on the part of the village officer and say that that man has joined the non-co-operation movement and therefore he is liable to dismissal. The Collector believing the story of his lower subordinate might in his own discretion or indiscertion dismiss the officer, and even

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Clause—3 *cont.*

if he prefers an appeal to the Board of Revenue, the Collector's word will naturally weigh more with the Board than that of the village officer. Therefore it is that I say that all this sort of conduct or misconduct on the part of the village officer will be mistaken for political misconduct.

"Then again we find, Sir, from the report of the Select Committee that the members of that committee did not come out of the meeting with any case of mind. They themselves suggested, Sir, that they were also afraid of giving very wide powers to the District Collector. We find in paragraph 3 of the Select Committee's report: 'some of us are of opinion that clause 3 of the Bill gives very wide powers to the District Collector. Again from the same paragraph it is clear that they themselves wanted to suggest that the words 'for political reasons or in order to cause embarrassment to Government' should be substituted in place of the words 'except for a cause which the District Collector in his discretion accepts as satisfactory.' Such sorts of doubts were prevalent in their minds and as such it is but just and proper that we should amend that clause as now suggested by my hon. friend Mr. Ramalinga Reddi. Moreover, the only objection that is urged against such an amendment in the Select Committee's report is that the inclusion of these words will give rise to suits or proceedings by dismissed persons. Though there is no provision for suits in the present Act, they are afraid of suits, but according to the amended Court Fees Act and the Stamp Act, probably the Revenue Member will be glad of getting some additional revenue if really there is going to be a number of suits against these orders. Certainly if the man has a right to sue, that right of suit should not be removed by this Bill, and if he has a right of appeal, certainly he will have to make out his case. These fears were entertained by the Select Committee and their minds were not free from these doubts, and seeing that such doubts as were expressed in the Select Committee are covered by the amendment which is now put forward, I hope the amendment will be carried by the House. For these reasons, I second this amendment most heartily."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, it is hardly necessary for me to detain the Council for any length of time in giving elaborate reasons in respect of this amendment, because the Select Committee after considering this question at considerable length stated in their report that they were inclined to limit the nature of offences for which the officers were to be punished though they found some difficulties in giving effect to it in the Bill itself. When the principle is accepted we should not be handicapped in our efforts for securing the appropriate amendment in the Bill itself. The hon. the Revenue Member has been pleased to tell us that in view of the desirability of confining the Bill to the actual necessities of the case, the Bill has been made one of a temporary character and that necessary safeguards have been made in the Bill. But, Sir, it is always difficult for the Collector of a district to come to a safe conclusion as to whether the reason assigned for resignation is or is not satisfactory, because it will depend upon the various reports and representations that he may be getting from time to time. We cannot be sure that an officer who is supervising over the whole district and who will have to depend upon the reports of the various officers including the police and the salt and abkāri—seeing that picketting and other similar things are also concerned here—will find it possible to balance the reasons for and against a particular officer and come to a safe and satisfactory conclusion."

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Clause 3—*cont.*

"When once it is realized that there are several difficulties in the way of the Collectors coming to right conclusions let us safely limit the operation of the section and define the offences as contemplated in the present amendment. What is the necessity for going further than the object the Government had while introducing this Bill? Therefore, I think that the hon. the Revenue Member realizing as he does the limitations under which we are working and the fact that this question was fairly discussed in the Select Committee will do well to accept the views of this House and give effect to its intentions."

Mr. S. T. SHANMUKHAM PILLAI :—"I think the amendment is not necessary. The clause as it stands covers all cases including political causes. Whatever may be the cause, only if the Collector is satisfied with the reasons he dismisses the officer. I think the clause as it stands is satisfactory. Unless he is satisfied after inquiry, the Collector will not dismiss an officer."

Mr. P. SIVA RAO :—"I rise to support this amendment. I have given notice of a similar amendment and I may be permitted to have my own say even with regard to this amendment. With regard to this motion I may be permitted to draw the attention of this House to the statement of objects and reasons. In the statement of objects and reasons it is stated: 'whereas in certain parts of the country an organized attempt is being made by certain village officers to prevent the collection of Government revenue by declining or refusing to do their duties or by suddenly resigning their office relying on their hereditary right to secure the emoluments to one or other members of the family, it has become necessary for the Government to take such steps as are necessary to prevent such resignations or dereliction of duty.' Now I would ask in all humility why should the Government resist the attempt made by the hon. Mover to embody these objects and reasons in one of the provisions of the Bill itself?"

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I have not yet spoken, Sir. He asks, why should the Government resist."

Mr. P. SIVA RAO :—"There is absolutely no reason why he should resist. I do not assume for a moment why the hon. Member in charge should be so unreasonable as to press for the rejection of this amendment. I was saying from the statement of objects and reasons that the object is only to combat a certain and specific need to put an end to the evil of non-co-operation which is rife in some parts of the Presidency and the attempt made by the hon. Mover is to embody the object in the Bill itself lest the Collector who may be called upon to decide upon these matters may possibly abuse that power. Now, Sir, the question is very simple. The matter was considered in the Select Committee in paragraph 3 of the report where they deal with this aspect of the matter. So far as I can see, the members were quite alive to the necessity of introducing a provision like that. They were advised, however, that it would be impossible adequately to define political reasons or to give a satisfactory definition of matters which are likely to cause embarrassment to Government. They also say that the inclusion of these words would give rise to suits or proceedings by dismissed persons as to whether the Collector was within the powers vested in him in dismissing the particular person. That is the only reason alleged and I take it that the principle is accepted by most of the members of the Select Committee as to the necessity for such a safeguard

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Clause 3—*cont.*

But they feel powerless to define in strict language what that reason should be in any particular case and there is also this fear that they will be making themselves liable for suits. There is absolutely no foundation so far as the fear of suits is concerned. Even in the present Act the District Collector may dismiss any of the servants for some specific cause. No doubt if the Deputy Collector should dismiss there is the right of appeal to the Collector and a second appeal to the Board of Revenue. In any case these cases are not generally taken to the civil courts. Even if there is any such fear we can introduce a provision or clause to the effect that the orders of the Board of Revenue shall be final and that the right of the person who resorts to the civil courts shall be taken away. In any view while accepting the principle of defining the particular cause so far as it lies in our power to define a particular reason and a particular circumstance why should we not do it? I may say without taking any more valuable time of the Council that this is a very drastic provision. It is a punitive provision and a penal provision. Even in cases where the village officer tenders resignation the Collector need not accept it and he may dismiss him, and this will have the effect of depriving his family of the hereditary right. We ought to try to secure the necessary safeguards against possible abuses of power. I do not want to cite any specific instance but it is common foresight and prudence to give a clear indication of the circumstances under which the executive should take such drastic action. I think I have said enough to induce the hon. Member for Revenue to accept this amendment. The simplest question and the simplest issue is this—should we or should we not indicate the circumstances under which the Collector should exercise this drastic power. Though I feel that the village officers should be punished in these special cases I say that there should be sufficient safeguards provided against a possible abuse of such power."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, this question which my hon. friend Mr. Ramalinga Reddi has brought before the House to-day was discussed very freely and, may I say, frankly at the Select Committee though I am not quite sure if the phraseology which he has now adopted in his motion was the exact phraseology that he was attempting to introduce into the Bill at the time of the discussion. In any case, I am sure the effect was the same."

Mr. C. RAMALINGA REDDI:—"May I say that I pressed this exact phraseology at the second meeting?"

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"We then had the benefit of the opinion of the Advocate-General who I am sure will enlighten us with his views on this question to-day also and we came to the definite conclusion that the introduction of any such definite clause into the Bill would lead to complications more than what could be anticipated at the present moment, and that any individual who was dismissed under clause 3 could challenge the decision of the Collector on the ground that the particular reason which was mentioned by the Collector for dismissing the man did not come under the purview of a political movement. It was considered that the phrase 'the political movement' was so wide that it could be interpreted in a variety of ways.

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Clause 3—*cont.*

"Rather than, therefore, complicating matters and opening, as it were, the door for more and more of litigation to contest the decisions of the Collector or the Board of Revenue as the case may be and thereby defeating the very object with which this measure is being introduced before the House and remembering at the same time that this is a measure which is intended to meet the emergencies of the occasion—a measure which has a limited scope of life, a measure which will not be introduced in any particular area unless and until the Government are absolutely satisfied that there is need for the extension of its provisions to that particular area—the Select Committee by a majority were of opinion that the introduction of any such clause would lead to complications beyond comprehension. They, therefore, preferred to leave the clause as it was drafted, for the reasons that I have already mentioned as also for the additional reason that the Collector (whatever dark picture my friend Mr. Gopalakrishnayya might draw about that officer), as the officer on the spot and as the agent of the Government and as one who is credited with the responsibility of the conduct of administration in the district, could be relied upon not to resort to practices which were in vogue in the mediæval days when village officials were being dismissed by thousands within the twinkling of an eye for the sin of belonging or not belonging to a particular class or community. The officials of the present day certainly possess greater commonsense, greater sense of responsibility, greater circumspection and greater judgment than those depicted by Mr. Gopalakrishnayya. It must be confessed that the Government as well as this House must credit the Collector with a certain degree of responsibility and must trust him to discharge that responsibility to the best of his light, not being prejudiced one way or the other according to the thickness or the watery nature of the milk that is supplied to him. Further, let us also remember that there are already in the proposed Bill a few safeguards provided. Hon. Members will see in clause 4 of the Bill that the Collector cannot pass any orders under clause 3 unless and until he has given an opportunity to the offending village official to show cause why he should not be dismissed. Let us assume that that notice will be given, that proper opportunity will be afforded to the village official concerned to show cause why he should not be dismissed for the reasons that are alleged in the order of the Collector and let us also feel confident that, if sufficient reasons are shown as to why the village official concerned should not be punished under the purview of clause 3, the Collector will not issue an absolutely unjust or perverse order. There is a further precaution. The order of the Collector is not the last word; it does not finally seal the fate of the village official against whom it shall have been passed; it does not connote that the village official against whom an injustice might have been perpetrated for his failure to supply thick milk will lose the chance of getting justice vindicated. He has also a right of appeal to the Board of Revenue. A period of one month is allowed to this aggrieved party to lay his grievance before the Board of Revenue, to satisfy that authority which comprises a collective body of able, experienced, responsible officials—responsible for the conduct of the revenue administration of this province—that an order which was passed by the Collector errs against the spirit of the law. When such serious consequences are involved in an order

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of dismissal under these provisions, is it to be expected that the Collector and the Board of Revenue will discharge their duties, and their responsibilities, in a manner so as to work this Act, if it should be extended to any particular area, with anything like perverse judgment? May I not ask the House, on behalf of the Collector and the Board of Revenue, to believe that the Collector and the Board of Revenue could very well be trusted to do their duties honestly, with discretion and with judgment?

"Now, Sir, Mr. Shanmukham Pillai, whose knowledge of revenue matters often comes to my help whenever I am placed in a dilemma as regards meticulous matters of revenue policy, has put it very well when he said that clause 3 as it stands contains sufficient safeguards. Well, I fully echo the expression of view given by him, for, I think if the clause is read as it is, it will be seen that it is not after all such a mediæval piece of legislation as to make it possible for any Collector, deputy collector, or tahsildar, dissatisfied with the nature of the cow that is supplied to him, to regard it as sufficient cause for the dismissal of any individual. I take it, Sir, that these sentiments, if given expression to, lack something like grace. They probably might have been absolutely relevant so far as the hon. Member used them for the purpose of showing how the power will be misused; but I say that the misuse of the power should more or less be regarded as an exception in a civilized country like ours than the rule. It is with a view to arm the officials with powers under proper safeguards that the Select Committee has taken the trouble to render the life of this Bill only for a brief period and does not give the Collector or the Board of Revenue the opportunity of dealing with individuals under this enactment as soon as it is passed into law; but it has cast the duty and responsibility of introducing it into any particular area on the shoulders of the Government, so that the Government, before they issue a notification, will have to be perfectly satisfied that the needs of the occasion, the condition of affairs and the feelings in that particular area are such as to necessitate the exercise of this exceptional power that is being asked at the hands of the Council. I must, therefore, very strongly claim, Sir, that, if at all it is going to serve any useful purpose, it is certainly intended to meet the case like the one that it should meet. Any further tinkering with the already wide powers which are given and which are subject to correction from time to time by authorities one over the other and finally subject to the greatest scrutiny by the Government before any portion or any section of this Bill is introduced in any particular area, I submit, Sir, is not proper.

"As regards the technical aspect of the matter, as to how the words 'political movement' if allowed to remain in a Statute Book will operate, as to the difficulties they will present in the interpretation of the clause either by the Collector or by the Board of Revenue or by a court of law, if litigation should go before a court of law, I was thinking of asking the Advocate-General to address the House on that matter. But I am aware, Sir, that it is now half-past five and I see the House getting itself thin and thin at every minute. Therefore I do not wish to ask the Advocate-General to speak now. So I think that, in the interests of all, it is desirable to adjourn further discussion on the subject until 11 a.m. to-morrow."

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Clause 3—*cont.*

The hon. the PRESIDENT :—" To-morrow is the only day we have for legislative business before financial work is taken up. If that suits the Government, I have no objection to adjourn the House now. May I take it that this will be over before lunch time to-morrow ? "

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I do not think that it will last longer than that period, Sir."

The hon. the PRESIDENT :—" I am sure hon. Members will share with me the hope that we shall have at least half a day interval between the end of our legislative work and the beginning of our financial work. So we will sit to-morrow at 11 a.m. and try to finish before lunch."

The hon. Sir CHARLES TODHUNTER :—" May I know, Sir, if you adjourn the whole of the agenda till to-morrow or only this portion ? "

The hon. the PRESIDENT :—" It is difficult for me to forecast the future. But so far as I am able to see, if Mr. Tanikachalam Chettiyar's resolution is debated upon and we have to come to a decision upon it, I do not think there will be time for that ; and I am sure the hon. Member does not wish to have a part debate on a matter like that."

Mr. O. TANIKACHALA CHETTIYAR :—" No part debate, Sir."

The hon. the PRESIDENT :—" Very well. Then the understanding is that this particular Bill will go into the agenda for to-morrow. I also see a motion standing in the name of the hon. the Minister for Local Self-Government. I will have these two subjects put into the agenda for to-morrow. It is understood that these are the only two things that will be dealt with to-morrow."

The Council adjourned at 5-30 p.m. to meet again at 11 a.m. on Thursday the 16th day of March 1922.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

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The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Thursday the 16th March 1922, the hon. Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR Avargal, K.C.S.I., C.I.E., President, presiding.

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No.* 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Communal representation in the Engineering staff of certain district boards.

1371 Q.—Munshi MUHAMMAD ABDUR-RAHMAN SAHIB : Will the hon. the Minister for Local Self-Government be pleased to state the number of—

(*a*) Engineers and assistant engineers, and
(*b*) Overseers and sub-overseers,

in active service under the district boards of Ganjām, Vizagapatam, Gōdāvari, Kistna, Guntūr, Nellore and Chittoor, as it stood on 31st December 1921 under the following classes :—

(*a*) Brahmans,
(*b*) Muhammadans,
(*c*) Christians, and
(*d*) other non-Brahmans?

A.—The Quarterly Civil List for Madras corrected up to the 1st January 1922 contains the names of the engineers and the assistant engineers employed under the several district boards. The Government have no further information.

Report of Mr. Martin regarding forest exploitation.

1372 Q.—Mr. O. TANIKACHALA CHETTIYAR : Will the hon. the Home Member be pleased to state whether in connexion with the report made by Mr. Martin in respect of forest exploitation—

(*a*) any money was spent as capital expenditure ;
(*b*) and if so, how much up to the date of his report ;
(*c*) whether any further money was spent after his report ; if any money has been spent before or after his report, whether the same is covered by any specified items of budget grant made in 1921–22 and sanctioned by the Legislative Council ;
(*d*) if they are not covered by any specified items, from what sources the funds were drawn ; and
(*e*) whether any portion of the money spent in connexion with Mr. Martin's investigation was spent before 1st April 1921 ?

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A.—(*a*) & (*b*) It is presumed that the report of Mr. Martin alluded to is that submitted by him on 26th May 1921. No capital expenditure has been incurred in connexion with that report.

(*c*) & (*d*) The following expenditure has been incurred up to date on the exploitation of the Chenat Nair forests:—

	RS.
1919–20	15,900
1920–21	1,54,300
1921–22 (first nine months)	1,55,200

The above expenditure is included in the sanctioned budget grants of the years to which the figures relate and took place in pursuance of administrative approval given in G.O. No. 2189, Revenue (Special), dated 27th November 1919.

(*e*) The cost of Mr. Martin's investigations consisted of his pay and allowances and incidental expenses during his tours in this Presidency. No portion of these charges was borne by this Government prior to 1st April 1921.

II

A BILL TO AMEND THE MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE ACT, 1894, *AND* THE HEREDITARY VILLAGE OFFICES ACT, 1895

Clause 3—*cont.*

The consideration of the Bill to amend the Madras Proprietary Estates' Village Service Act, 1894, *and* the Hereditary Village Offices Act, 1895, was then resumed.

Rao Bahadur C. V. S. Narasimha Raju:—"Sir, now discretion is given to district collectors to dismiss or remove a village officer. The words used are, the district collector 'may' dismiss or remove. From this it is clear that the district collector is given discretion. It is not obligatory on his part to dismiss him. From this I am of opinion that the words 'except for a cause which the district collector in his discretion accepts as satisfactory' are a mere surplusage. Now the object of section 4 of the Bill is to reduce the period of time allowed for an appeal and the object of section 5 is to remove the right of inheritance. The district collector and not sub-collectors are to deal with these cases. These are the only things contemplated. When the principal Act as well as this Act is in force in any particular area, a dismissal under the principal Act or under this Act must be distinguished, because under section 5, the words used are: 'on such dismissal or removal, the hereditary right to the office shall, unless the collector otherwise directs, cease.' Unless we are able to distinguish one kind of dismissal from another kind of dismissal as contemplated by this Bill, I do not think the purpose as contemplated by the new Bill can be given effect to. What is it that distinguishes a removal from dismissal under the provisions of the principal Act as compared with the provisions contained in the new Bill? Therefore in order to distinguish one removal from another, it is necessary that we should characterize a dismissal under the particular circumstances as distinguished from the other. Therefore a clause such as: a removal or dismissal on account of any neglect or resignation in consequence of any

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Clause 3—*cont.*

political movement is absolutely necessary in this Bill. As I understand the hon. Mover, the words 'in consequence of' are intended to be more comprehensive. He wanted to include cases where the office-holder on account of intimidation or other circumstances as well as of his own free will resigns office. To my mind it is too much to deprive him of the right of inheritance in cases of intimidation or coercion. If possible, it may be limited only to cases where he does the act in pursuance of any political movement and not in consequence of any political movement. Unless we make some such distinguishing feature in the provisions of this Act, the words used in this Act become quite meaningless. The section begins as: 'Notwithstanding anything contained in section 16 . . .' We find the principles laid down in the principal Act and in this Act are the same. Why should we use the words: 'Notwithstanding anything, etc.,' when there is not any distinguishing factor between this section and the section of the principal Act. Of course, the only distinguishing feature I can find is 'resignation'; as a matter of common knowledge, resignation if not accepted always results in dismissal. Dismissal is contemplated there. In order to make the sentence contain some meaning, and to give jurisdiction to the district collector to deal with the particular class of cases, it is absolutely necessary to remove the words 'except for a cause which the district collector in his discretion accepts as satisfactory' and to replace them by some such words as: 'in consequence of any political movement directed against the authority of the Government'."

Mr. A. RANGANATHA MUDALIYAR:—"Sir, I think the Government can possibly have no objection to the acceptance of this amendment. In fact the members of the Select Committee have themselves indicated the desirability of an amendment of the kind now under discussion. They have stated:

'We recognize that it would have been preferable, if it were possible to define more closely the offences against which it is intended that these powers should be used.'

"The question is whether it is not possible to define exactly the offences against which this should be used. The Government do not apparently think it impossible, for later on we find in the Select Committee report the following:

'We therefore are of opinion that it is necessary for the purpose in view to retain these powers to the collector and leave the use of them to be restricted by executive instructions if necessary.'

"If it is possible to carry out the intention of the amendment by executive instructions, I do not understand why it is not possible to embody them in the legislative enactment itself. Further, I object to discretion being given to the collectors or to anybody for the matter of that without suitable safeguards. The other day I had a case in my district where the village officer was suspended for one year because he did not supply carts in time. I think there is nothing in the provisions of the Bill to prevent an officer from construing this as a sufficient cause to justify his dismissal in his discretion. I do not want such latitude to be given to any officer. I therefore think that words like those brought forward by my hon. Friend Mr. Ramalinga Reddi had better be inserted in the section."

Mr. B. MUNISWAMI NAYUDU:—"Sir, I have great pleasure in supporting this amendment. The Act as it now stands gives ample power to the

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Clause 3—*cont.*

district collector or the divisional officer when removing or dismissing a village officer to make an order that no member of his joint family can succeed to the office so long as that particular member is alive. The provision is therefore already in existence in the present Act by which if, under the circumstances corresponding to the present one, a district collector thinks it desirable that any member of a joint family who is likely to be influenced by the previous man should be kept out of office so long as the previous man is alive, he may pass an order to that effect. By this amendment Act the collector is proposed to be empowered not only to block succession during the lifetime of the village officer who has been dismissed or removed but also to block the descendants of the members of the family, divided or undivided, for all time to come. That is an extraordinary power. When the present Bill was introduced for taking away the hereditary title which these officers were entitled to, it was clearly stated that it was for the purpose of meeting a situation of the sort that had arisen in the country by reason of the village officers refusing to collect taxes or refusing to do the work which they were bound to do, thus embarrassing the Government. The Bill was referred to a Select Committee and the Select Committee has limited its operation to 31st December 1923. We have therefore got a Bill intended for a particular purpose and to meet a particular situation. If this House is asked to give powers that are not absolutely necessary for the purpose of meeting the situation, then I submit this House cannot accept the proposal without sufficient safeguards. It is not that this Bill is intended to be in force for all time to come. It is not a Bill for all emergencies and exigencies that may arise, but it is a Bill for the particular purpose of tiding over the present situation. It is also stated that this Bill is intended to strike terror into the minds of the village officers so that they may not embarrass the Government by resigning their offices or by refusing to collect taxes or otherwise. That purpose would certainly be achieved by defining strictly the object of this legislation ; that is that it is intended to deprive the village officers of their hereditary right if they should resign their offices in consequence of any political movement directed against the authority of the Government It is right that those who embarrass the Government in consequence of a deliberate conspiracy should be punished. But, Sir, let us be honest and straightforward in our actions and let us say to them that we shall punish them only under such and such circumstances. Let us suppose that the village officers join together and resign on the ground that their emoluments are not adequate and let us suppose that they demand higher salary. If village officers resign on that account, is it fair that their act should entail forfeiture of their hereditary right? I do not think such a wide discretion should be given to the collectors. It will certainly be going far beyond the needs and the requirements of the present situation. This amendment and another amendment of the same nature which I have tabled are brought forward evidently with the object of being plain and straightforward in enacting this extraordinary piece of legislation. This legislation is intended only for one purpose and beyond that purpose we are not inclined to go. Therefore it is that the amendment clearly makes out that if a village officer resigns in pursuance of a policy intended to subvert Government with a view to embarrass the Government, then not only he but also

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Clause 3—*cont.*

all the members of the joint family must go. If the village officers take the matter into their hands and defy the Government, then they should certainly suffer for their acts.

"What will happen if this amendment is not accepted? When a village officer resigns his office even when there is no non-co-operation, it will be open to the collector in his own way to say that the village officer should go. In that case, no doubt, there will be an appeal to the Board of Revenue. This Act comes into operation by a notification and surely the notification will issue only on the initiative of the district collector. Naturally if the appeal goes to the Board of Revenue they may concur with the collector in his order of removal or dismissal. Therefore even the appeal which is provided would be illusory and unless we are very definite in our statement that the Act is intended only to meet a particular purpose the scope of the Bill would be widened. And it is undesirable to vest such extraordinary powers in the collector."

11-15 a.m.

Mr. N. A. V. SOMASUNDARAM PILLAI:—"Sir, I heartily support this amendment. The principle involved in this amendment is so simple that I thought there would be no necessity for any discussion. For, a consideration of the effects and circumstances will clearly remove any doubt that might possibly exist in the matter. The Government recognize that certain village offices carry hereditary rights for the reason that the families of the office-holders have been holding the office for a number of generations, and certain rights are attached to this office. Sometimes the persons holding this office resign to see that their sons or others in whom they have an interest succeed them without any trouble in their lifetime. In such cases naturally the office would carry with it a hereditary right. Now owing to the non-co-operation movement certain village officers embarrass the Government; because of this the hereditary right of all the village officer should not be abolished. Those persons who take part in the non-co-operation movement and place obstacles in the way of the Government are not certainly entitled to claim hereditary right; they must be deprived of it by all means, and such is the wish of the House. I have absolutely no sympathy for any non-co-operator. I want to see that if a village officer on account of non-co-operation spirit in him resigns his office and places the Government in a difficulty, he should be deprived of his hereditary right hitherto recognized by the Government as attaching to his office. But the village officers may resign owing to natural causes. Then according to section 3 as drafted in this Bill, if a person tenders his resignation unless the collector is satisfied that the resignation is for satisfactory reasons, he is liable to dismissal, and his heirs are liable to be deprived of their succession rights. But I maintain that the penalty of depriving the hereditary right must attach only to those cases wherein a resignation is made on account of non-co-operation, or as stated in response to some political movement directed against the authority of the Government. In the Bill as now drafted in all cases of resignation it will depend on the sweet will and pleasure of the district collector to decide whether the heir of the man who resigned succeeds or not. It is for the collector to say whether he accepts the resignation as satisfactorty or not. Even if a person resigns his office owing to natural causes having nothing to do with the non-co-operation movement, under clause 3 as it now stands the onus is

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Clause 3—*cont.*

thrown on him to prove that the resignation is for a satisfactory cause. It is altogether against British code of justice. This amendment seeks to rectify that defect. Without this amendment the village officers would be left to the mercy of the district collectors who are under the influence of tahsildars; it would work unnecessary hardship on the village officers; it is not to the interests of the Government that there should be any such discontent or heart-burning in the case of officers on whom the prosperity and good government of the country depends."

Mr. P. VENKATASUBBA RAO:—"I have much pleasure in supporting this amendment. I have also given notice of a similar amendment. This Bill, Sir, is the direct result of the unfortunate movement that was started in the Pedanandipad firka, Guntūr district. I should like to know whether it is not the intention of the Government to protect the village officers who are intimidated into resigning their posts. Certain officers in the said area have resigned their offices under pressure and they have taken the earliest opportunity of withdrawing their resignation. This Act, as it stands, does not protect any of that class. I think it will only be right for the Government that their loyal officers who are threatened or forced to resign should not be further victimised by this Bill. As pointed out by Mr. Muniswami Nayudu, officers may resign for various reasons. They may be dissatisfied with their pay. One of the reasons for which village officers in Pedanandipad firka have resigned is that their salaries are very inadequate. My information is that a majority of them have assigned their low salaries as a reason for their resignation though their action has been misrepresented by the Government and the press as being due to non-co-operation. The Bill invests the collector with absolute powers and unless there are sufficient safeguards introduced to prevent an abuse of power it will harm many an innocent officer. The amendment of my hon. Friend Mr. Ramalinga Reddi makes it clear that non-co-operating village officers only will be dismissed."

The hon. Mr. K. SRINIVASA AYYANGAR:—"Sir, the Government have absolutely no idea of punishing any person or inflicting any hardship except in cases where the movement is directed against the Government in pursuance of what is called the non-co-operation movement with its idea of embarrassing the Government in its ordinary functions or of paralysing it. If a village officer whose duty it is to perform certain duties which are absolutely necessary for the efficient performance of its functions by Government declines to do it on critical occasions, the House will see that it would be a very difficult matter indeed to carry on the administration of the country. It is therefore intended to provide this remedy only in those cases and, so far as I can see, the House is also anxious to provide that remedy, but perhaps not to the extent required by us. It is for the purpose of restricting the power that these amendments are pressed. There is one difficulty if the amendment is accepted. The words are varying and are not capable of precise definition. The decision of the collector is capable of being challenged in a court of law and the court that will sit in judgment will have to take evidence and can come to a different conclusion from that of the collector, that the resignation is not in consequence of a political movement.

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16th March 1922] [Mr. K. Srinivasa Ayyangar]

Clause 3—*cont.*

There should be no objection, really to the court sitting in judgment if there were any precise standard by which you can judge whether the resignation was in consequence of any political movement; for almost every act can be brought within the definition of a political movement; every agitation is intended for a political purpose in the long run, whether directly or indirectly. That, Sir, is really the difficulty in the Government accepting the amendment as it stands. If, for instance, the wording was 'in consequence of any political movement which in the opinion of the district collector is directed against the authority of the Government' this *impasse* may be avoided. So far as I can see the object of the members of the House would be served because there would be an appeal from any perverse judgment of the collector to the Board of Revenue and the Government also may have a power of revision. If you will allow me I shall propose the following as an amendment to the amendment of Mr. Ramalinga Reddi :—

'After "movement" and before "directed" *add* the words "which in the opinion of the district collector is".'

Permission having been given, the amendment was moved.

The hon. Sir LIONEL DAVIDSON :—"I second it."

Mr. C. RAMALINGA REDDI :—"I hesitate to accept the amendment proposed by my hon. Friend for the following reasons. One is this Act will come into operation only in areas specified by the Government and about which presumably there would be no better authority than the Government itself. Under those conditions, to add these words, namely, 'which in the opinion of the Collector is directed against the authority of Government,' is to give to a subordinate of the Government a discretion which in a way has already been answered and settled for him by the Government. I would like in this connexion, with your permission, to refer to an amendment of mine circulated yesterday which was to the effect that in respect of this particular jurisdiction the collector should act in consultation with a committee of non-officials to be appointed by the Government. I think if Government would kindly see their way to accept that also it would be possible to come to an agreement which would satisfy the necessities of the case and the desires of this House. As the matter stands, it would be conferring on the collectors too wide powers which it is the almost universal intention of this House to protect the village officers from. It is not a question, Sir, whether we as individuals have confidence in the collectors or not. That was the red-herring which my hon. Friend the Revenue Member drew across the trail yesterday. If you are going to settle all the questions that are the subject of debate between the Executive and the Legislature on this ground of confidence, I am afraid there will be very little reason why there should be a Legislature at all. It is not a question of individual confidence. Here we are in our own capacity, just as Government are in their capacity, trustees and custodians of popular interests. As Government believe in the efficacy of executive orders, we by our very nature as members of this Council believe in the efficacy of legislative measures. We believe that safeguarding by legislation is a far more educative as well as effective process than leaving matters to the discretion of the executive. After all, as has been pointed out by more than one hon. Friend who took part in this debate,

11-30 a.m.

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Clause 3—*cont.*

these measures will be administered by the lower subordinates in the service of the Government. But there is such a thing as non-co-operation against a particular official as in the matter of milk or cart supply. We know, Sir, that India has been described as the land of gods. India, to my mind, is more the land of tin gods than of gods proper. We know the temperament of the officials and we know how easily they mistake themselves for the Government. Doubtless, any discourtesy shown to them will be interpreted as disloyalty to the British Raj itself. In those conditions, unless the machinery which I propose to set up in the subsequent section is accepted it would not be possible to agree to the present amendment which in no way provides the safeguard that it is our intention to insert in this Bill. It has been said that 'political movement' in the expression 'in consequence of any political movement directed against the authority of Government' is a very vague term. I have tried to add a definition to it by the qualification 'directed against the authority of Government. The appellate authority under this Act is the Board of Revenue. I believe the Board of Revenue would be in a position to adjudicate on a simple matter of this kind. Above all, let us go to the two fundamental propositions, the Statement of Objects and Reasons and the considered opinion of the Select Committee. In the Statement of Objects and Reasons, provision is sought to deal with organised attempts at paralysing the Government. Now, we are not dealing with people who like thieves act in the dark. Undoubtedly, there would be something like intimidation. But they are all covered by the expression 'in consequence of any political movement,' whether the consequence be one due to his own free will or to his fear or any other motive or consideration. Then, again, the Select Committee have admitted that the present Act proposes to vest in the district collector too wide powers. Now, I ask the simple question of my friend the hon. the Law Member, if it is true that the Act as originally drafted invested the collector with powers admittedly too wide, how could this discretion which he himself has to exercise and of which he is to be the final and sole judge in any way curtail those wide powers? Under those conditions, I regret that in spite of every effort to agree to the standpoint of the Government I cannot see my way to accept this."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Will I be in order if I speak on the amendment of the hon. the Law Member?"

The hon. the PRESIDENT :—" What is now before the House is the amendment proposed by the hon. the Law Member. That is the only amendment now before the House."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Anyhow, my own opinion is that the various amendments proposed and the various arguments *pro* and *con* advanced in speaking on the various amendments clearly show that there is absolutely no necessity to have this repressive measure. But if the majority of the House are agreed to have this repressive measure, as they have done, I really do not understand the difficulty in Mr. Reddi's accepting the amendment of the hon. the Law Member. I thought the amendment of the hon. the Law Member made the amendment of Mr. Reddi easier and less full of difficulties. In these repressive measures, it is desirable that not only the measures but the consequences of the measures are brought to an end at an early date. If the orders of the Collector or the Revenue Board are matters

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Clause 3—*cont.*

of adjudication in civil courts, the difficulty will be that the suits and appeals will be pending for several years after the Act itself is put an end to. After all, by the majority of the Council it has been declared to have the Act in force for one and a half years only, and the original amendment of Mr. Reddi limits the powers of the Collector very much. Now, it is clear that the resignation or any other act must be due to a political movement. It certainly cannot apply to resignations in consequence of the non-supply of milk or of a cart. I do not think any Collector, however perverse he may be, will hold that non-supply of milk or cart by an individual officer is in consequence of a political movement. Unfortunately, Mr. Reddi has not carefully defined the expression 'political movement.'

"Now, the question is who ought to decide whether a particular measure is political or not. We are giving the Government now ample powers in declaring which portions of the Presidency are to be subject to this measure. If in a particular place the exigencies of the anti-Government movement are so strong that the Government wants to introduce this measure, it is not, I think, desirable that the question as to whether a particular action is or is not a political movement which is likely to embarrass the Government should be left to the decision of the civil court. As has been pointed out by the hon. the Law Member, this opinion of the Collector is not final. It is subject to appeal to the Board of Revenue and then it is subject to revision by the Government itself. The district munsif or any body who is dealing with evidence cannot decide whether a certain political movement is likely to embarrass the Government, or not, and then the matter will have to go to the higher courts and lastly probably to the Privy Council also. So it is very desirable that we should leave it in the hands of the Board of Revenue in whom we have confidence. Therefore, I think it is better that we accept the amendment that has been proposed by the hon. the Law Member as it seems to be quite sufficient and, in my opinion, to be more in favour of the public or the village officers than the vague wording of the original amendment. So, with these words, I have great pleasure in supporting the amendment of the Law Member."

Mr. S. SOMASUNDARAM PILLAI:—"Sir, I have considered this question very deeply. I think if the amendment on the agenda is accepted, it will be to make the village officer fall from the frying pan into the fire. As it is, it is very easy for him to satisfy the Collector. If he is compelled by the non-co-operators to resign, what should he do? Certainly he should go to the nearest post office and write a letter saying: 'I am compelled by so and so to resign: unless I am protected by the Police I will have to resign and go away.' So, that is the easiest way to satisfy the Collector when he is compelled to resign his post. Suppose we have accepted the amendment of Mr. Ramalinga Reddi. It will make his position worse. For here the burden of proof is shifted from the village officer to the Government, and the poor man will be in the clutches of the police constables. The Police will be always bent upon proving that the resignation was in consequence of a political movement. So, as it is, in my opinion, the amendment of the hon. the Law Member is more acceptable. It is plainer. It shows that the Collector's discretion is necessary and it is the Collector who will be in a position to decide such cases. If such cases are sent to the civil courts to be

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Clause 3—*cont.*

tried on evidence it will take two or three years for each case. Why should we doubt the honest discretion of the Collector? He is entrusted with the administration of the whole district. With these few words, I oppose the amendment and, on the other hand, approve of the amendment of the Law Member."

Mr. P. SIVA RAO:—"Sir, the amendment now proposed by the hon. the Law Member certainly meets the wishes of the House. The only difference so far as I can make out between the amendment proposed by him and the one proposed by the hon. Mover Mr. Ramalinga Reddi is that by the former one the right of suit is taken away. Yesterday, Sir, when I spoke on the amendment moved by Mr. Ramalinga Reddi I said: if it was necessary to take away the right of suit, by all means let it be done by the insertions, if necessary, of a provision that the orders of the Board shall be final. Now, Sir, the right of suit if it is once given would militate against the whole object of this repressive measure. In the case of a resignation under the powers vested in the Collector it is open to him now to dismiss him and I do not think, Sir, that he has got a right of suit. If the dismissed village officer has no right of appeal for the present on the ground that the Collector has passed an erroneous judgment of dismissal against him (village officer) much less reason is there, Sir, for the preservation of this right of suit under the present Bill. Now, just let us see what will follow if the Collector thinks that the resignation tendered was in consequence of a political movement which, in his opinion, was directed against the authority of the Government. He may dismiss the village officer instead of accepting his resignation. Surely in the present temper of the people of the tract to which this notification would apply they are certain to carry the matter to a munsif's court, to a district court and then to the High Court. Thus the proceedings will be rendered tardy and dilatory and the object of this measure defeated. Therefore what I wish to say is this: there should be some indication in the Act itself as to the circumstances under which the Collector can proceed under this Act and so long as we have that indication, I am not very keen about the vesting in him the right of suit in a matter like this. As I said already there is no right of suit vested in him even in the present Act in case the Collector by an error of judgment dismisses him. Under the circumstances I do not see any reason why there should be a right of suit for the man if the Collector passes an erroneous judgment *in a case like this.*"

11-45 a.m.

The hon. Mr. K. SRINIVASA AYYANGAR:—"Sir, I want to draw the attention of the Council to this fact. As I said at the outset, I do not want the same question tried by a court of law without having any particular standard or definite standard. At the same time it must be remembered that this direction which, in my amendment, I am giving to the Collector will be a clear direction to him that he is not entitled to dismiss a person when he tenders his resignation so as to deprive him and his family of their hereditary right unless the resignation was in pursuance of a political movement directed against the authority of the Government. Without this, if the section were left as it is then the case will be one within the discretion of the Collector generally. Without any statutory direction to him that the cause should be

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Clause 3—*cont.*

one which must be in pursuance of a political movement directed against the authority of the Government, the Collector may dismiss for any cause he thinks satisfactory. With my amendment whether the resignation is due to political causes or not is for him to judge and will be within his discretion. But his act is not purely an executive act which he is at liberty to make sitting in his chambers without anybody else knowing about it. For, under section 4, he must, before making an order given an opportunity to the holder of the office to show cause against such removal or dismissal and must also record his reasons in writing. From that, the dismissed officer can go to the Board of Revenue and the Board of Revenue again, practically as a judicial authority, would look into the matter and see whether the resignation was in pursuance of a political movement intended to subvert the authority of the Government. I cannot see in the circumstance what advantage there is in trying to take the case to a civil court, if at all such a suit lies. My attention has been drawn to section 21 of the Principal Act which has not been abrogated and which says that suits as to titles to office shall not be entertained in a civil court. All I want really to do is to make it clear that the collector has the discretion subject to the definite direction given in the statute. I do not think, Sir, that my amendment proposes any drastic change. I believe it carries out the wishes of the House."

The hon. the PRESIDENT:—"Does the hon. Member Mr. Ramalinga Reddi wish to say anything?"

Mr. C. RAMALINGA REDDI:—"Mr. President, I do not think that I could accept the amendment moved by the hon. the Law Member, because in one of the subsequent clauses, i.e., clause (5), it is proposed that no person shall have the right of suit in a court of law in case of dismissal or removal arising from the operation of this Act. The appeal that lies in such cases is only to the Board of Revenue. Under these conditions, I fail to see why the Government should be so much in fear about the judiciary stepping in and interfering with the decisions of the executive. Even supposing that it would be so, it seems to me that it is more desirable on all grounds for the people to have a judicial decision. It has been said that litigation would increase in the law courts. Now, as the Act stands, there is nothing to prevent the collector from exercising his authority and dismissing a person who in the opinion of the collector has joined any political movement directed against the authority of Government. When this is done, this will itself act as a deterrent. The man has been punished and even if he is going to sue, that alternative could only mean the right to sue and he could only obtain a judicial decision after he has spent a lot of money. Under these conditions, I do not think that leaving the powers of the collector and his discretion exactly where they were in the original Bill and which the select committee reports were too wide, would be in consonance with the real object which it is the intention of this amendment to attain.

"My hon. Friend, the Law Member wound up by saying that his amendment did not introduce any drastic change. That is precisely the reason why I cannot accept it. We want some change, or some curtailment of the discretion vested in the collector as proposed in the original Bill.

"The hon. the Law Member's amendment that, after the word 'movement' and before the word 'directed' in the amendment of the hon.

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Clause 3—*cont.*

Member Mr. C. Ramalinga Reddi, the words 'which in the opinion of the district collector is' be inserted, was put to the vote and carried, 37 voting *for* and 17 *against* it."

A poll was taken with the following result :—

Ayes.

1. The hon. Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-Jah Sahib Bahadur.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, Mr. P. Ramarayaningar.
6. ,, Rai Bahadur K. Venkata Reddi Nayudu.
7. ,, Rao Bahadur A. P. Patro.
8. Mr. T. E. Moir.
9. Mr. M. E. Couchman.
10. Mr. A. E. Rencontre.
11. Mr. N. Macmichael.
12. Mr. F. J. Richards.
13. Mr. C. W. E. Cotton.
14. Mr. R. Littlehailes.
15. Mr. R. K. Shanmukham Chettiyar.
16. Mr. A. Ramaswami Mudaliyar.
17. Mr. R. Appaaswami Nayudu.
18. Diwan Bahadur Sir P. Tyagaraya Chettiyar.
19. Mr. S. T. Shanmukham Pillai.
20. Rao Bahadur T. Balaji Rao Nayudu.
21. Mr. V. Pakkiriswami Pillai.
22. Mr. K. Sitarama Reddi.
23. Mr. T. Somasundara Mudaliyar.
24. Mr. S. Somasundaram Pillai.
25. Mr. T. C. Tangavelu Pillai.
26. Diwan Bahadur R. Venkataratnam Nayudu.
27. ,, M. Krishnan Nayar.
28. Mr. P. Siva Rao.
29. Mr. C. V. Venkataramana Ayyangar.
30. Mr. S. Muttumanicka Achari.
31. Mr. K. V. Ramachari.
32. Sriman Sasi Bhushana Rath Mahasayo.
33. Mr. S. Arpudaswami Udaiyar.
34. Rao Sahib E. C. M. Mascarenhas.
35. Mr. Sayid Diwan Abdul Razzaq.
36. Rao Sahib P. Venkatarangayya.
37. Diwan Bahadur Govindoss Chathurbujadoss.

Noes.

1. Mr. K. Adinarayana Reddi.
2. Rao Bahadur K. Gopalakrishnayya.
3. Mr. C. Ramalinga Reddi.
4. Mr. W. Vijayaraghava Mudaliyar.
5. Mr. J. Kuppuswami.
6. Mr. B. Muniswami Nayudu.
7. Mr. A. T. Muttukumaraswami Chettiyar.
8. Mr. P. T. Rajan.
9. Rao Bahadur A. Ramayya Punja.
10. Mr. W. P. A. Saundara Pandia Nadar.
11. Mr. N. A. V. Somasundaram Pillai.
12. Dr. P. Subbarayan.
13. Mr. P. Venkatasubba Rao.
14. Diwan Bahadur M. Ramachandra Rao Pantulu.
15. Rao Bahadur C. V. S. Narasimha Raju.
16. Mr. A. Ranganatha Mudaliyar.
17. Mustapha Ravuttar Ahmad Miran Sahib.

Mr. Ramalinga Reddi's amendment, as amended at the instance of the hon. the Law Member, i.e., *Omit* all the words after 'resignation' occurring in lines 10 and 11 of the clause and *insert* 'in consequence of any political movement which in the opinion of the district collector is directed against the authority of Government' was then put and carried.

Amendments 7 *to* 14.

The following amendments were not moved :—

Mr. B. Muniswami Nayudu :—

7. *Omit the words beginning from 'except' to the end of the clause and substitute the following* :—

"*in consequence of any political movement intended to subvert the Government.*"

Mr. T. Arumainatha Pillai :—

8. *For the words 'except for a cause which the District Collector in his discretion accepts as satisfactory' substitute the following* :—

"*in consequence of any political movement intended to subvert the existing system of Government.*"

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Clause 3—*cont.*

Mr. P. VENKATASUBBA RAO :—

9. *Delete the words beginning with 'except' up to 'satisfactory' and substitute the following* :—

"*out of sympathy for any disloyal movement directed against the Government.*"

Dr. P. SUBBARAYAN : —

10. *For the words from 'except' to the end of the clause substitute 'in consequence of a political movement directed against the constituted Government of the country.'*

Mr. A. RANGANATHA MUDALIYAR :—

11. *Substitute the words 'with a view to subvert the authority of Government or otherwise bring the administration into contempt' for 'except for cause which the District Collector in his discretion accepts as satisfactory.'*

Rao Bahadur K. GOPALAKRISHNAYYA :—

12. *In line* 11 *of the clause for the words beginning with 'except' up to the end of the clause substitute the following words* :—

"*in consequence of a strike of work with a view to embarrass the Government.*"

Mr. P. SIVA RAO :—

13. *Add the following after the words 'his resignation'*:—

"*for political reasons and with a view to non-co-operate with or to cause embarrassment to Government.*"

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

14. *For the words 'except for a cause which the District Collector in his discretion accepts as satisfactory' substitute the following words* :—

"*for political reasons so as to cause embarrassment to the Government.*"

[*If the above amendment is not carried, for the words 'in his discretion accepts' substitute the words 'after due inquiry finds'.*]

Amendment 14 (*a*).

12 noon. The following amendment which stood in the name of Mr. C. Ramalinga Reddi was then taken up :—

14 (*a*). *In line* 12 *omit 'in his discretion' and substitute therefor 'acting in consultation with an advisory committee of non-officials to be appointed by Government for this purpose'.*

The hon. the PRESIDENT :—"Amendment 14 (*a*) will now be out of order because the word 'discretion' does not occur in that clause as amended, but I have no objection to hear what the hon. Member Mr. Ramalinga Reddi has to say on the point."

Mr. C. RAMALINGA REDDI :—"Mr. President, I am very thankful to you for giving me this opportunity of presenting my case in regard to the point of order. The amendment which has just been carried interferes with the

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Clause 3—*cont.*

form and wording of the clause to which amendment 14 (*a*) was intended to refer. I would like, if you permit me, Sir, to move the following amendment in place of that which stands in my name now. In the clause as just now amended, insert after the words 'in the opinion of the district collector,' the following words :—

'acting in consultation with an advisory committee of non-officials to be appointed by Government for this purpose.'

"That is the amendment which I now, with your permission, Sir, propose to move."

The hon. the PRESIDENT :—"So the hon. Member does not propose to move the amendment in the original form at all. But he wants to move another amendment in this form : to insert after the words 'district collector' and before the word 'is', the following words :—

'acting in consultation with an advisory committee of non-officials to be appointed by Government for the purpose.'

"Probably it would be convenient if I now indicate to the House how the clause will read if the hon. Member is given permission to move his amendment and if that amendment is carried. The clause will then run thus :

'Notwithstanding anything contained in section 16 . . . . . in consequence of any political movement which in the opinion of the district collector, acting in consultation with an advisory committee of non-officials to be appointed by Government for this purpose, is directed against the authority of Government.'

"Does any hon. Member object to the amendment now going forward in that form ?"

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Yes, Sir, I do object."

The hon. the PRESIDENT :—"May I know on what grounds."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Even the original amendment, Sir, was out of order. But, however, you were good enough to give the hon. Member an opportunity to explain how, in the altered circumstances of the case in view of the acceptance of the amended amendment of the hon. the Law Member, this could fit in very well. And now, as you would see, Sir, even the amendment as was framed by Mr. Ramalinga Reddi has to undergo another amendment. That is why I say that we are not now confined to the amendment which was put into our hands last evening at 4 o'clock, but we are now asked to consider another amendment which he now for the first time seeks permission to move."

The hon. the PRESIDENT :—"Ordinarily I much dislike suspending these standing orders and excusing members from giving the notice required. But it so happens that this particular amendment was referred to in the course of the debate on the last amendment. I believe, the hon. Member Mr. Ramalinga Reddi referred to this particular amendment and I am doubtful how far that has influenced hon. Members who gave their votes on the last occasion. This is a point which has to be considered. I would allow the hon. Member to move his amendment."

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Clause 3—*cont.*

Mr. C. RAMALINGA REDDI:—"Mr. President, I thank you for your ruling by which I am enabled to take the sense of this House on this amendment. My sole desire in formulating this proposal is to see that no hardship or injustice is inflicted. It would be of great help if, at a time and in places where confessedly the atmosphere is in a disturbed condition, the District Collector is given the assistance of the best possible responsible non-official opinion that is obtainable in the district. I may point out, Sir, that I am given to understand that the District Collector is associated with non-officials in the United Provinces. Here again, I would guard myself against making myself responsible for any statement whether direct or by inference conveying the idea that we have not confidence in the District Collectors. At the same time, it would be open to the non-official public to bring forward the argument, which we would do well to consider, whether in resisting this amendment we are not making a reflection of the same nature against the best possible non-official opinion which might be associated by Government with the Collector. We want as far as possible complete confidence to be established between the people and the Government, and it cannot be done only by one side being asked to co-operate with the other without the other side having any reciprocal duty to consult the former. If this amendment is carried, it will go far to allay the apprehensions of the people as to how this measure would be worked, and the committees which this amendment contemplates to be formed in the districts would render much help to the people of such districts by being associated with the District Collectors. The Collector, Sir, is a hard-worked official and in times of political stress, he is not likely to have less work. Therefore, viewed from any point of view, we would in a way be strengthening him by associating with him, in discharging his responsibilities and in the execution of an exceptional measure of this kind, non-officials of standing and position. Far from going to weaken the Government, it would strengthen them just as the Executive Government has become strengthened by association with the legislature. I may add, Sir, that I strongly believe that these advisory committees will not in any way interfere with the powers of the Collectors. With these words I place the amendment before the House."

Mr. O. TANIKACHALA CHETTIYAR:—"Sir, I have much pleasure in seconding this amendment. I do believe that the saying 'in a multitude of councillors there is wisdom,' is as true to-day as in the days of king Solomon. It would be an advantage to the Collector to have the opinions of a body of non-officials chosen by him on account of their respectability or status in the country. So, to guard against the possibility of exposing the Collector to the attack that he is exercising the power that is vested in him by this section capriciously or perversely, the protection of this opinion which he can obtain from people of this class is necessary. Moreover, we have by this piece of legislation given very extraordinary powers to the Government in times of emergency and stress. But it is also at the same time our duty to give a certain amount of protection to the village officers who would be affected by this piece of legislation. I think it is necessary, because we are now depriving the village officer of the right of recourse to courts which he had under the old law, that he should have some remedy provided against the capricious exercise of this power. We are not attributing to the Collectors

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Clause 3—*cont.*

any intention or desire to act wrongly or without material evidence. But it unfortunately happens that the Collectors have their assistants, their subordinates and, owing to the nature of things and the nature of the institutions over which they are presiding, they (the Collectors) are obliged to look to them for assistance, and we know that in places where extraordinary powers created under stress of circumstances come to be exercised, a great deal of abuse takes place by the subordinate officers of which the higher officers concerned are, no doubt, unconscious. Even in times when the non-co-operation activities render it necessary that the law should be put in force, we should devise such measures as would protect the innocent from being subjected to oppression at the hands of underlings in the Collector's office. Therefore as a measure of protection we should enact like this. It cannot be said that the Government will be deprived of the remedy that it has in putting down non-co-operation by reason of the association of men of respectability in the district after all to be chosen by the Government. Sir, I believe also that we still adhere to the doctrine that it is much better that a hundred guilty men should escape rather than that one innocent man should suffer. While therefore we do provide for severe and stern action against wrong-doers we must also provide that those who do not do wrong should not become victims of a machinery which is likely to comprise also such innocent men. No doubt, Sir, Government will make a declaration that this Act shall be in force in a certain area only when occasion arises. But when the occasion has arisen and when the Act is put in force it is likely to be put in force against wrong-doers, but it sometimes so happens that it may also be put in force against innocent persons, and it is for the purpose of protecting the innocent from oppression, that the advisory committee is suggested in this amendment. I therefore appeal to the House to accept the amendment and to give it its support."

Rao Bahadur K. GOPALAKRISHNAYYA :—" With your permission, Sir, I wish to ask whether it would not be more convenient to put my amendment to the vote before Mr. Ramalinga Reddi's amendment is taken into consideration, because I find that it is an improvement upon the amendment that has now been moved and seconded. I think it will be more convenient to the House to consider my amendment before discussing further Mr. Ramalinga Reddi's amendment."

The hon. the PRESIDENT :—" I wonder to whom it will be more convenient."

Rao Bahadur K. GOPALAKRISHNAYYA :—" To the House, Sir."

The hon. the PRESIDENT :—" It may or may not be more convenient to the House, but it is certainly out of order. I really cannot stop an amendment which has been moved and is under discussion, to take up another amendment. But if the hon. Member Mr. Ramalinga Reddi is convinced by Mr. Gopalakrishnayya's arguments, and thinks that it would be well for him to withdraw his own amendment and make room for Mr. Gopalakrishnayya's amendment, that would be a different matter. But I cannot on my own motion choke off an amendment which is before the House, because it may be more convenient to take up some other amendment which comes later on the agenda."

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Rao Bahadur K. GOPALAKRISHNAYYA :—" Then, Sir, with your permission, I move for adjournment of the consideration of Mr. Ramalinga Reddi's amendment."

The hon. the PRESIDENT :—" Under what standing order ? "

Rao Bahadur K. GOPALAKRISHNAYYA :—" Under Standing Order 34, Sir. Sir, may I bring to your notice that you were pleased to adjourn the consideration of my own amendment the other day when we were considering the Court Fees Bill ? "

The hon. Sir CHARLES TODHUNTER :—" May I point out, you have not admitted the amendment of Mr. K. Gopalakrishnayya, and may I further ask that the question of the admission of the amendment should not be prejudiced by a discussion of, or a reference to it in a discussion of the previous amendment ? "

12-15 p.m.

Rao Bahadur K. GOPALAKRISHNAYYA :—" With regard to that, Sir, I should like the other amendment to be adjourned under Standing Order 34."

The hon. the PRESIDENT :—" Does the hon. Member Mr. Ramalinga Reddi feel that it would be more convenient to withdraw his amendment and allow the other amendment to go forward ? "

Mr. C. RAMALINGA REDDI :—" Do I understand you, Sir, to suggest that I should ask the permission of the House to withdraw my motion in favour of the one, my friend Mr. Gopalakrishnayya will presently move ? "

The hon. the PRESIDENT :—" There is no such thing as withdrawing an amendment in favour of another. It is for the hon. Member Mr. Reddi to consider whether he should withdraw his amendment, in case, he is pursuaded by the arguments of the hon. Member Mr. Gopalakrishnayya to do so."

Mr. C. RAMALINGA REDDI :—" Sir, I request permission of the House to withdraw the amendment that I moved."

The motion was by leave withdrawn.

The hon. the PRESIDENT :—" I must now ask whether any hon. Member objects to the amendment of the hon. Member Mr. Gopalakrishnayya going forward on the ground that notice of it was given only half an hour ago ? "

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I object and strongly object to this, Sir. When I objected to the hon. Member Mr. C. Ramalinga Reddi's amendment, of course, you were good enough to point out, Sir, that inasmuch as the amendment that he was then moving had been incidentally referred to by Mr. C. Ramalinga Reddi in his speech and some other hon. Members too had probably referred to it though not directly, the consideration of that question might in some way or other be prejudiced by that discussion and therefore that amendment had better go forward. But now, I do not wish to comment on the phraseology of this amendment, although there are various objections. But I do contend that it was put into our hands just this minute and it will be hard on us to face amendments of this description which again open the same questions which have been previously considered for hours and a final settlement of the whole question has already been reached. I strongly object to this amendment going forward."

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Clause 3—*cont.*

The hon. the PRESIDENT :—" I understand the hon. the Revenue Member to say that this amendment practically raises questions which have already been discussed. Then of course nobody could object for want of notice. I had better allow the amendment to go forward. The hon. Member Mr. Gopalakrishnayya will now move it."

Rao Bahadur K. GOPALAKRISHNAYYA :—" I thank you, Sir for this great relief, in passing through this ordeal. I move, Sir, that in clause 3 the following proviso may be added:

'*Provided that, if in the opinion of the Collector, such refusal, neglect or resignation is in consequence of a strike of work with a view to embarrass the Government, he shall previously obtain the written consent of a non-official advisory committee specially to be appointed by the Local Government in this behalf, consisting of the inhabitants of the district concerned including the elected members of the Legislative Council of such district.*'

" The principle involved in the amendment has already been explained by my hon. friends Mr. C. Ramalinga Reddi and Mr. O. Tanikachala Chettiyar. I do not think I need add anything more to what they have stated. The only question, Sir, is that there is a strong opinion that in matters involving radical changes the opinion of a non-official committee should be obtained by the Collectors. It may be said in support of the Collectors by the hon. the Revenue Member that they are above any wrong and that they are infallible. And still we feel that this matter is of a very serious consequence and that it is necessary that an advisory body should also assist the Collectors in exercising their powers which are now sought to be vested in them ; and as such it is not enough if a real advisory committee is to be appointed by the Government consisting of members who may not know anything of the locality in which this Act may be put in force. It is necessary therefore to have gentlemen from the district itself if not from the very area. The sub-committee will also consist of member of this Council elected by the district. I suppose such a committee consisting of the elected members from the district and also certain others who may be appointed by the Government and who are inhabitants of the district will be in a better position to judge things properly and it will be in a better position to give to the Collectors proper advice. And as such, Sir, I move that this proviso be added.

" As it is, Sir, by accepting the amendment as amended by the Law Member's amendment, some words here seem to be redundant, i.e., ' If in the opinion of the Collector, such refusal, neglect or resignation is in consequence of a strike of work with a view to embarrass the Government '. If so, Sir, I have no objection to remove such portions."

The hon. Sir CHARLES TODHUNTER :—" I ask, Sir, if it is in order for the hon. Member to remove the amendment which has been passed by this House. He is proposing to do that, Sir. I submit his amendment is totally inconsistent with the section as passed by the House."

The hon. the PRESIDENT :—" I understand the hon. Member to say, in case somebody raises any objection to any particular portion of the amendment, he has no objection to withdraw that portion. What the hon. Member is saying to do is to anticipate difficulties."

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Clause 3—*cont.*

Rao Bahadur K. GOPALAKRISHNAYYA :—"Sir, I wanted to meet my enemies' case by anticipating possible objections and explaining them beforehand."

The hon. the PRESIDENT :—"Do I understand that the hon. Member intends to forego his right of reply?"

Rao Bahadur K. GOPALAKRISHNAYYA :—"Then, Sir, I beg to move the amendment which I have just read out to the Council."

Rao Bahadur V. APPASWAMI VANDAYAR :—"I second it."

Diwan Bahadur M. KRISHNAN NAYAR :—"I rise to oppose the amendment. Many objections can be taken to this amendment. In fact my friend, the mover of this resolution, will permit me to say that this amendment cannot be accepted by the House for very many reasons. It is probably unnecessary for me to go into the details of all these reasons. I shall just point out only one or two reasons for showing why this amendment should not be and cannot be accepted.

"My friend, the hon. the Finance Member, a few minutes ago, stated that this amendment is inconsistent with the amendment that has already been passed. I shall not go into that. I shall refer only to two objections: first, with reference to the constitution of the committee proposed by my friend, and secondly with reference to the fact that any committee, however unobjectionable it may be, will, instead of making the working of the Act easy, only embarrass the Collector and make the Act absolutely nugatory.

"Now I shall first confine myself to the constitution of the committee as recommended by my hon. Friend. The committee to be appointed as proposed by him is to be a non-official advisory committee. Of course the Government is to appoint this committee. Who are the members of this committee? It should consist of the inhabitants of the district concerned. Let us suppose that the Government by a notification extends the operation of this Act to the Guntur district, and my friend wants the Collector to be assisted by a committee consisting of the inhabitants of the Guntur district, that is, the district concerned, including the elected members of the Legislative Council; so that, all the inhabitants of the district ought to constitute a committee to assist the Collector. I do not think any arguments are necessary for showing the absolute impossibility of accepting this amendment, as the constitution of such a committee is absolutely impossible. That is one reason why I object to the carrying out of this amendment.

12-30 p.m.

"Secondly, I may go to a more substantial and solid ground why any committee should not be appointed. In fact it was my intention, if my hon. Friend Mr. Ramalinga Reddi had not withdrawn his amendment, to have requested him to do so. That necessity did not arise because he withdrew the amendment. If a committee is to be appointed under this amendment, the Collector will have to 'previously obtain the written consent' of this advisory committee before dismissing or removing a particular village officer who, in his opinion, is objectionable. If he has to obtain the consent, whether written or otherwise, of a non-official committee, it will considerably embarrass the Collector, and he will find it, I do not say impossible, but extremely difficult to carry out the provisions of this Act. That will hamper the executive administration and practically in many cases nullify the

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Clause 3—*cont.*

provisions of this Act. As I submitted, Sir, it is unnecessary to go into the other reasons against the amendment. Having regard to these observations, I hope my hon. Friend Mr. Gopalakrishnayya will see the need and desirability of withdrawing this amendment."

Mr. S. T. SHANMUKHAM PILLAI:—"I strongly oppose the amendment. As I said yesterday, if this is passed, it will reduce the administration of the district to a deadlock, and will hamper the Collector. This measure is intended to help the Collector when occasions of emergency arise in the administration. This amendment, on the other hand, will make it impossible for the Collector to deal with the situation promptly. The wording of the amendment is: 'if, in the opinion of the Collector, such refusal, neglect or resignation is in consequence of a strike of work with a view to embarrass the Government, he shall previously obtain the written consent of a non-official advisory committee.' Who are to constitute the committee? That means long delay, and in the meantime a lot of trouble will arise. If you pass this amendment it is tantamount to saying that this Bill is useless. I think that if this amendment is passed the object of the Bill will be frustrated. The Bill may better be thrown out."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I will merely read once more for the information of the House as to how, if this addition is made to clause 3, the whole clause will read: 'Notwithstanding anything contained in section 16, clause 2, of the Madras Proprietary Estates Village Service Act II of 1895, and section 7 of the Hereditary Village Offices Act III of 1895, the District Collector may——"

Rao Bahadur K. GOPALAKRISHNAYYA:—"Without giving any further trouble to the hon. the Revenue Member, I think I shall be well advised to seek for leave to withdraw this amendment."

The amendment was then by leave withdrawn.

Clause 3 as amended was then put, passed and added to the Bill.

CLAUSE 4.

Amendment 14-*A*.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I beg to propose—

'14-*A*. *Omit the words "The District Collector shall" at the beginning of the clause and reinsert the same words after "removal"*.'

"It is merely a transposition of words. The clause as it stands reads: 'The District Collector shall before making an order of dismissal or removal . . ' etc. It will read now: 'Before making an order or dismissal or removal the District Collector shall'. The change is merely formal."

Mr. S. MUTTUMANICKA ACHARI:—"I second it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I do not see the need in any case for the amendment. I think the clause as it stands reads well enough."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I withdraw the amendment."

The amendment was by leave withdrawn.

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Clause 4—*cont.*

Amendment 14-*B.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I beg to move :—

'14-*B. Put a comma after the word "removal" in line* 2' "

Sriman SASI BHUSHANA RATH Mahasayo :—"I second it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I have no objection to the comma being added."

The hon. Sir CHARLES TODHUNTER :—"I think the whole phrase should be within commas, that is there should be a comma before the word 'before' or there should be no comma at all after 'removal'."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"This amendment was on the assumption that the previous one would be accepted. I withdraw the amendment."

The amendment was by leave withdrawn.

Amendment 14-*C.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I beg to move—

'14-*C. Substitute the words "the Madras Proprietary Estates' Village-Service Act," for the words "Act II of" in line* 8."

Diwan Bahadur R. VENKATARATNAM NAYUDU :—"I second it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I accept it."

The amendment was put and carried.

Amendment 14-*D.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I beg to propose—

'14-*D. Substitute the words "The Madras Hereditary Village Offices Act," for the words "Act III of" in line* 9.' "

Diwan Bahadur R. VENKATARATNAM NAYUDU :—"I second it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I accept it also."

The amendment was put and carried.

Amendments 15 *and* 16.

The following amendments were not moved :—

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

15. *For 'one month' at the end of the clause substitute 'two months'.*

Mr. P. SIVA RAO :—

16. Add the following at the end of the clause :—

"*The orders of the Board of Revenue in appeal shall be final.*"

Amendment 17.

Mr. A. RANGANATHA MUDALIYAR :—"I beg to move—

'17. *Omit the second sentence beginning with "Notwithstanding" and ending with "one month."*

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Clause 4—*cont.*

"The effect of this sentence in the clause is that the appeal to the Board of Revenue should be preferred within one month, whereas under the existing provisions the period is three months. Turning to section 16 of Act II of 1894, we find it stated, 'Against every order passed by the District Collector or Revenue Officer aforesaid under sub-section (2) an appeal shall lie to the Board of Revenue within three months.' Again in section 23 (1) of Act III of 1895 it is stated, 'an appeal shall lie within three months to the Board of Revenue.' Now, it is proposed to restrict that period to one month. The matter we are dealing with is very important both for the Government and for the officers concerned. We are giving the executive officers immense powers to deal drastically with such of their subordinates as give cause for action. I think it is but natural in cases like that, that the restrictions regarding the appeal against such decisions should not be more than what are absolutely necessary. I do not think the Government will stand to lose anything by retaining the old period of appeal, namely, three months."

Sriman SASI BHUSHANA RATH Mahasayo :—"I second it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I am sorry I have to object to this amendment. I believe we have by now realised that this and the other measure which we passed the other day are emergency measures. As such they should contain provisions to expedite and hasten action. We have since agreed to a certain definite provision being introduced in clause 3 which and which alone shall be a justification for the dismissal of the village official erring against it.

"I do not think it will be the intention of the House that on such emergent occasions also the usual leisurely and tardy procedure that is contemplated in the existing Act and which would apply to the normal conditions should also be made to apply in a case where action on the spot and a more prompt action is essential. It will be hard, I think, if a village official who has been dismissed under clause 3 is given the right of appeal which should extend to a period of three months. It will be hard, Sir, for the Collector who has taken action under it, to await the decision of the appellate authority for a long period of three months before he can decide as to what he should do in regard to the filling up of the vacancy. As I have always said, Sir, in measures of this description it is necessary to remember the fact that the means should always be somewhat different from those which are intended for operation in ordinary times and which have application to ordinary events. In a case like this, therefore, where we are going to arm the Collector with certain special powers over and above those which exist under the present law and where we have also a definite indication of the cases in which alone he should exercise that special power, I think it is necessary that we should deviate from the lengthy procedure that is allowed under the existing Act by which the individual aggrieved by the order of the Collector should prefer an appeal. I do not at all see, Sir, that there can be anything like a real grievance which the hon. Mover of this amendment is trying to rectify. For, it is obvious that in a matter like this when a Collector decides to take action under clause 3 he, before taking that action, will allow sufficient time to the individual concerned to show cause why he should not be dismissed. A certain period thus necessarily intervenes between issue of the notice by the Collector and the final disposal by him in regard to that

12-45 p.m.

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Clause 4—*cont.*

particular case. Thereafter an order is passed; a month's time is allowed to the aggrieved individual to appeal to the Board of Revenue and I can hardly see what grievance there is which the hon. Mover wished to rectify. I should therefore prefer to retain the one month as it is and I beg the House not to interfere with it which I regard as sufficiently long."

Mr. A. RANGANATHA MUDALIYAR:—"Sir, because the Government want certain powers to meet an emergency, the Council is going to give them the power to do away, under certain circumstances, with the hereditary tenure which has been long enjoyed by the village officials. My hon. Friend, Mr. Subba Rao, has described how very often village officers are coerced into resigning their appointments. I ask whether it is right on the part of the Government to deny them sufficient opportunity to reconsider their position and to range themselves on the side of law and order. By denying sufficient time to reconsider their position, we will be simply forcing them to stick to their original attitude, and unconsciously strengthening the movement which is directed against the Government. Further, the hon. the Revenue Member can tell us from his experience that these village officers who have so far preferred appeals to the Board of Revenue did so within the period of one month? We are dealing with village officers who are not intelligent lawyers to decide complicated questions straightaway. They have to consider whether or not, they should prefer an appeal. They need help and guidance in coming to a decision. All this will take time. It is because of that that I urge that they should have the three months provided in the original Act for purposes of appeal."

The amendment was then put and lost.

Clause 4 of the Bill as amended was then put, passed and added to the Bill.

CLAUSE 5.

Amendment 18.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I beg to move, Sir, the amendment standing in my name which reads thus:

'Put a comma after the word "shall" in line 2'."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I second it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I accept it, Sir."

The amendment was put and carried.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I beg to move, Sir—

'Put a comma after the word 'directs' in line 3'."

Mr. S. MUTTUMANICKA ACHARI;—"I second it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I accept it."

The amendment was put and carried.

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Sir, I beg to move—

'In line 3 of the clause after "cease" add the words "so far as the undivided members of the family to which the officer dismissed or removed belongs."'

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Clause 5—*cont.*

,, This proposal is made not to take away the effect of the Act, but it is only intended to safeguard against the using of the powers vested in the Collector in the way referred to by my hon. Friend Rao Bahadur Gopalakrishnayya. Well, Sir, there is meaning in saying that a person who stands in the way of the discharge of duties for which he is appointed should be dismissed and there is also meaning in saying that those persons who live with him or who are under his control or influence are not to take his place. I cannot see what justification there is for altogether damning a family and everybody else with whom the village officer may claim any sort of relationship by blood or otherwise. It looks as if by passing this legislation we want to hold a sort of terror against the whole class or community to which the man disobeying the law belongs. It looks as if we want to take security from the whole community that this man will behave properly, because we are saying by this legislation that if one man of any community misbehaves we will hold the whole community responsible. Such a sort of legislation ought to be avoided even in times of emergency like this. As I said, we are prepared to help the Government in matters of necessity and are prepared to admit that the people who are likely to be influenced by the dismissed man, viz., those who live with him, are likely to give trouble to the Government and therefore deserve to be penalised. But to go further is unreasonable and uncalled for. I am sure, Sir, it is not the view of the Government that they should hold out this sort of terror against the whole community to which the man belongs, and I am also sure, Sir, that it is not the intention of the Government that they should give a sort of *carte blanche* to the revenue officers and allow them to exercise their powers in the way described by my hon. Friend Mr. Gopalakrishnayya. If the section is passed as it stands I fear even though we are living in civilized government that some officials might utilize their powers in the way referred to. I know, Sir, of at least one instance in which a Collector thought that a person who disobeyed his Revenue Divisional officer in some other capacity as a municipal councillor, was unfit to continue as a village officer. If a law like this is passed, he may be dismissed for such causes as this and not only he but also the whole family and community may be deprived of the office to which some importance is attached even at the present moment in spite of the non-co-operation movement. So, Sir, I beg to submit that this amendment ought to be accepted, otherwise difficulties may arise."

Mr. B. MUNISWAMI NAYUDU :—"I beg to second the amendment. Sir, it looks to me that the Government have too much counted upon the help of the divided cousins of the remotest degree to bring about a change of character in the village officer who resigns. It seems to me, Sir, on the other hand, that providing for the claims of divided members would induce the person now doing the duties of the village official not to take the extreme step of getting himself dismissed. And if this amendment is not passed, the person who takes himself to non-co-operation and brings himself within the provisions of this law will be glad because not only he and his joint family but also the divided members of the family will suffer. I think, Sir, if the divided cousin has a chance of coming in, it will act as a sort of deterrent and make him think that he will rather not resign the post for the effect of it would be that the divided cousin would get it. Taking that into consideration, it is necessary that such a forfeiture should be confined only to the

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Clause 5—*cont.*

descendants. To make only the undivided members of the family suffer and not the divided will serve more to keep the man at the post rather than give it up and thus make it possible for the divided member to come in. While we sympathise with the Government in taking every step to put down the disorderly movement and preserve order we only suggest that by accepting this amendment they would make it less possible for persons to resign and thus further their object. For these reasons, I second the amendment."

Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, I think this amendment is on very sound lines. I do not wish to take up the time of the Council by speaking at length on the amendment now under discussion. Of course, a person who is guilty of embarrassing the Government and who thwarts it in all possible ways should be punished. And that in fact is the object of the Bill. The Council has unanimously given its consent to this principle. Going a step further, probably it is also necessary to punish the other undivided members of the same family and to that extent also the Council is prepared to go. It is quite possible that in an undivided family there may be members who do not share the views of the particular village officer who embarrasses the Government. There may be some members in the undivided family who are thoroughly against the action of the officer and who are nevertheless unable to influence him. In such instances it will be rather hard to punish all the members of the family for the sins of the particular individual ; but even to that the Council has no objection. But to go beyond that and to punish the members of the divided family by depriving them also of the hereditary right which the family as a whole enjoys, is going too far and there will be no need for inflicting this hardship upon persons who are not in any way connected with the particular offender in the offence."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—

1-p.m. " I am sorry, Sir, that I cannot at all see the reason for the alarm which seems to prevail in the minds of those hon. Members who have spoken as regards the consequences of clause 5. Let me at once state that the Government have not had the slightest intention of making these orders applicable in the case of individuals, whether they are members of a divided family, or whether they are members of an undivided family, regardless of the merits of each case. The aim and purpose of clause 5 is merely to deal with such individuals, whether they are actually in office, or whether they are members of the family of individuals who are in office and who by their words, deeds and actions have rendered themselves open to the charge of aiding or abetting any political movement with the object which we have definitely specified in clause 3; and to that extent I expect hon. Members of the House will agree. So that any order of dismissal issued against an individual may not have an indefinite operation, that it may not also cover cases of other individuals of that particular family who may be free from that taint and whose co-operation in the village administration might be desirable and whose participation in the conduct of the village affairs might be considered very essential, we have made suitable provision in clause 5 itself. For, there we have definitely stated, Sir, that ' on such dismissal or removal ' the hereditary right to the office shall, unless the Collector otherwise directs,

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[Mr. Muhammad Habib-ul-lah Sahib] [16th March 1922

Clause 5—*cont.*

'ease'. It was with the intention, and the deliberate intention may I add, of making it still possible for members of the family of a dismissed individual, whether they happened to be divided members or undivided members, to be given the opportunity of continuing to enjoy the hereditary right which that family possessed that we have made it possible for the Collector to continue it in the same family, whether those individuals are divided or undivided; whereas the amendment that is now suggested would probably land us in certain difficulties. Hon. Members of the House who are lawyers will know that it would be very difficult to decide or draw the line of demarcation between what one would call a divided member and an undivided member of a family. I suppose those who know Hindu Law are aware that there are innumerable degrees in the ascendency as well as in the descendency for the purpose of determining who is a co-parcener of a family and up to what extent the co-parcenery right would extend. There are certain degrees up to which the right of co-parcenership will extend. All these complicated and meticulous details of Hindu Law will then have to be decided by the Collector before he could come to the conclusion whether *A*, a member of a particular family who comes and asks for the office from which he has dismissed a particular individual, is an undivided member of that family or not. Hon. Members are also aware probably of the recent decision of the Privy Council in which it has been definitely held that all that is needed for the purpose of securing a division is an expression of an intention to do so. A mere declaration on a piece of paper that *A*, a member of a particular family has divided himself from *B*, would be enough of an authority for the purpose of showing that he is a divided member. And, Sir, for aught we know, he might probably be a worse enemy of the Government than the individual whom the Collector has dismissed. But, under this amendment, he cannot decline to take on that man as a village official. What he will have to do will be to take him on, dismiss him again under clause 3, give him an opportunity to appeal and then declare under clause 5 that the undivided members of his family will again lose the right. So that this process will have to go on by rotation from day's end to day's end which I do not think it is the intention of the House to create. We have, therefore, Sir, inserted sufficient safeguards in this clause, because we were aware of the fact that a particular individual might be guilty for various reasons. It does not necessarily follow that all the members of that particular family will share his views or that all the members of that family are enemies of the Government. It is perfectly possible that an undivided brother of the dismissed man might be an esteemed man in the village and the Collector might like to take him on and appoint him in the place of his dismissed brother. Under the proposed amendment he cannot do so by the fact that his undivided brother was dismissed from the office, but under the power which we have conferred upon him, he is at liberty to do so. This amendment will merely create a state of confusion from which it will be very difficult to get out. Again it will lead to a large amount of civil litigation for the purpose of contesting the validity of the orders of the Collector as to whether he correctly dismissed a man, whether a particular individual was a member of a divided Hindu family or a member of an undivided Hindu family. That, I hope, is not the intention of the House."

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Clause 5—*cont.*

Mr. P. SIVA RAO :—" Sir, I rise to support this amendment. I have given notice of a similar amendment which is also tabled for consideration. Sir, to start with I may say I am strongly opposed to all kinds of what are known as vicarious punishments. I strongly support the principle that a man who is really guilty should alone suffer for his misconduct. Now, Sir, what the Bill contemplates is to deprive the hereditary right which is vested in the other members of the family. By reason of a misconduct of one individual who is the holder of the office for the time being, what the present Bill proposes to do is to deprive all the members of his family, however remote, whether divided or undivided, whether they are sons or brothers or distant cousins, of their mirasi right. Sir, I have stated as my foremost reason that I am opposed to all vicarious punishments of this kind. Under the present Act if an office holder is convicted of treason, or of other criminal offence, of whatever serious import he is liable to forfeit his appointment. An office-holder may be guilty of sedition under section 124 (*a*) or of waging war against the Government. Under the Indian Penal Code he may be convicted and sentenced to transportation for life, but there is absolutely no provision either in the Indian Penal Code, or anywhere in the Madras Hereditary Village Offices Act which would justify the depriving of all the members of his family of their hereditary right to that office. Sir, this is a right vested in the other members of the family. Why should other persons who after all are innocent be made to suffer for the sins of others ? That is a very simple question and I am very much surprised that it has not appealed to the hon. Member in charge. There is also another principle involved in this. When in the case of an office-holder who is convicted of treason or of waging war against the King, there is no provision for depriving his family of their hereditary right to his office, why should it be attempted to taint the blood of the man in this particular case especially when there is no judicial conviction and merely because after all the Collector thinks that he has joined the non-co-operation movement, or has resigned or neglected his duties under political influences. These are very strong reasons which appeal to me most.

" Then the hon. Member in charge said that there would be innumerable difficulties if we were to vote for this. He stated that the question of division or non-division is one of the most complicated matters which come before the civil courts and which rack the brains of the judges and it is not just and proper that these civil courts should any longer be burdened with the troublesome task of these decisions as to division or non-division ; and the hon. Member in charge was pleased to quote the recent decision of the Privy Council that an equivocal expression of opinion on the part of any particular member of the family is enough to create division. Shall I quote for the consideration of the hon. Member in charge a specific provision in the present Act itself introducing this reservation against undivided members ? For instance, section 10 says : that in case of a resignation, or of a temporary vacancy, or if a man is dismissed, if it is proposed to fill up that vacancy during the lifetime of the man who is dismissed, or who has resigned, or who is suspended, anybody may be appointed except an undivided member. So that : *undivided* member of the family is not an invention by any one of us. It is an old provision contained in the present Act. The reason in favour of excluding undivided members of the family is

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obviously this, that they are living together under the same roof. Under the circumstances he is supposed to be amenable to the influences of the man who was dismissed and that it is not desirable to appoint the latter in that post. What is the object of the present Bill? If it is intended to be punitive this is adequate punishment, and the principle is that the man who really was guilty ought to bear the consequences. If it is intended to be retaliatory, or if it is intended to strike terror into the hearts of the non-co-operators, can the Government serve their object better than by providing that those who are nearer and dearer in blood to that unfortunate man, his sons, his brothers, his grandsons and his progeny shall not enjoy the mirasi right? Considered in any view, Sir, there is no reason for the drastic provision of the kind. We heartily support the Government in so far as they are trying to legislate for certain repressive measures or drastic measures. But there is a limit to everything, Sir, and I do not think we will be justified in exceeding that limit by tainting the blood of this unfortunate man. The remedy which is proposed is a very good remedy.

"Then, Sir, it was stated that it will give rise to increase in civil litigation. I am not apprehensive of any such consequence. Under the present Act also there is a provision to which I have already alluded, which says that an undivided brother might be excluded in case of dismissal. I do not think after all that these matters will ever be carried to civil courts. Under section 21 and by operation of other sections of the Hereditary Village Offices Act, the revenue authorities are the sole arbiters of matters arising under the Act in relation to these village officers.

"Now, Sir, I give my most unstinted support to the amendment that is now proposed which will satisfy the object of the Government and also have the effect of not unnecessarily interfering with the rights of others. Turning to the Select Committee report it is stated—

1-15 p.m.

'For our present purposes it is desirable that the Act should be as simple as possible and that as large number of persons as possible should be interested in seeing that the holder of the office is loyal to his duty.'

"In other words the attempt of the Government is to make all those unfortunate persons who happen to be the relations of these men to give security for the good behaviour of the office-holder for the time being. It is an impossible state of things. It is impossible for a man who has no control over the doings of another individual to give security or be responsible for his actions. For these reasons I strongly support the motion."

Rao Bahadur K. GOPALAKRISHNAYYA:—"I rise to support this amendment. It looks as though the Government are provoking a spirit of non-co-operation among the families of the village officers. It may be, Sir, that in some cases the village officers have joined a movement directed against the authority of the Government; but it should be the aim of this Government to bring back such persons to the fold of people who are in support of the policy of the Government. As the present law stands, no doubt, Sir, that certain discretion is left to the Collector who might direct the appointment of a member of a divided or an undivided family of the dismissed officer. On the same ground, Sir, as was pointed out by me on a previous occasion this discretion may be abused and in such cases some

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Clause 5—*cont.*

protection would be necessary on behalf of these dismissed village officers. It is said in the Select Committee's report that this provision is retained in order to have as large a number of persons as possible to be interested in seeing that the holder of the office is loyal to the Government. I do not think, Sir, how far this object will be achieved if this provision is retained. Of course many of these village officers are retaining their offices because the two Acts have given them right of inheritence. There are several divided members of the village officer's families who are at logger heads with one another and who are not at all interested in the man who is holding the office. It is not just, Sir, to deprive the whole lot of the people who inherit these offices by virtue of the operation of this Act. We have heard, Sir, that the sins of the fathers might be visited on the sons. But we have never heard that the sins are visited on the divided brothers or their descendants and their descendants. It is not right, Sir, that though we have to support the Government in an emergency we should go to the length of depriving the right which might be vested in at least the divided members of the family. It would be to the interests of the Government that this right should be at least within the family though divided so that the divided members may be interested in keeping the man in a state to assist the Government and not to embarrass the Government. You know, Sir, that in India these village officers are clinging to their offices by virtue of the prestige attached to those offices but not of the pittance paid by the Government. I am sure, Sir, there is no parallel on the face of the globe where the servants of the Government work for mere pittance. There is that charm, Sir, in holding that office as a hereditary office. It is that charm that keeps them on to hold the office though they do not get a proper return for their services. It is that, Sir, that we have to bear in mind. The Select Committee says that it is afraid of some suits. I do not know how suits will arise. Suits will not arise in these cases because it is only the Board of Revenue that can interfere. It may be in some cases that they drag the matter to the civil courts. Such things occur in other cases also where discretion is maliciously abused. Again, Sir, it looks as though the Government wants to strike at the very bottom of the whole system. We may as well say that the rights of inheritance may be set at naught and that the hereditary nature of the office may as well be removed. That is the question which will have to be considered very deeply by the Government. The hon. the Revenue Member is pleased to remark that still there is the provision in clause 5 to safeguard the interests of the well-behaved people. Clause 5 says: On such dismissal or removal the hereditary right to the office shall unless the Collector otherwise directs cease . . . As a rule the man will be dismissed and his successors will have the right of inheritance as an exception. The Collector may say that this man shall not have the ordinary right. For all these reasons I support the amendment very heartily."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIH Bahadur:—"One or two words more I would like to say, Sir. My hon. friend Mr. Siva Rao drew the attention of the House to the existing provisions contained in section 10 (4) of the Hereditary Village Offices Act and wanted to use that as an argument for the continuance of the right of undivided members of the

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Clause 5—*cont.*

family on the ground that it exists in that section. But may I invite the attention of the hon. Member to the fact that the Act from which he is quoting is certainly centuries older than the recent pronouncement of the Privy Council. Therefore the fact that certain words find a place in a statute before the pronouncement of a judicial tribunal as regards their interpretation loses considerable force. Then again we have found as a matter of experience that even at present that provision is easily evaded even by individuals who to the knowledge of the revenue officials still continue to be members of an undivided family, by merely making a show of an arrangement between themselves to avoid the penalties arising from the existing provision and by making it appear that they are divided members, and that therefore they are entitled to the office. Aware as we are of the various subterfuges which are in operation at the present moment and as we wished as far as possible to avoid repetition of such subterfuges in regard to a measure which will after all be of temporary nature and which is to meet an emergency, we considered that our experience in the matter should be taken advantage of. As I said, already, Sir, even in this Bill members of an undivided family are not definitely deprived of the right of securing the office. Then it was suggested that the Bill was intended to strike terror into the minds of all the members of a family be they divided or undivided. Not at all, Sir. Our object has been very noble. We intended that by the existence of a provision of this description we will be forcing as it were, the members of a family, of which the misguided or erring individual has definitely joined a particular movement, if they know that the sacred right of heredity which has been in that family for centuries is going to be lost on account of the action of a particular individual, to combine together and bring their joint and whole-hearted influence on that individual and wean him away from that movement so that neither he nor any member of the family may lose that right. It was with that intention that we introduced the Bill not that we wanted to strike terror, not that we wanted to deprive any individual member, much less to deprive all members of the family indiscriminately of their right of heredity. Of course, I would again beg to draw the attention of the House that the amendment as drafted, probably hastily drafted, lacks what a school boy would call 'Grammar'. The words are: 'On such dismissal or removal the hereditary right to the office shall unless the Collector otherwise directs cease so far as the undivided members of the family to which the officer dismissed or removed belongs'. Probably the hon. Member meant 'So far as concerns' or something like that. I shall not raise any dispute over that. But on the main ground I have to oppose the motion and would add, Sir, that there is no need whatsoever for its incorporation.'

1-30 p.m. A poll was taken with the following result:—

Ayes.

1. Mr. K. Adinarayana Reddi.
2. Dr. M. Appalanarasayya Nayudu.
3. Rao Bahadur V. Appaswami Vandayar.
4. Rao Bahadur K. Gopalakrishnayya.
5. Rao Bahadur T. A. Ramalinga Chettiyar.
6. Mr. C. Ramalinga Reddi.
7. Mr. J. Kuppuswami.
8. Mr. B. Muniswami Nayudu.
9. Mr. A. T. Muttukumaraswami Chettiyar.
10. Mr. V. Pakkiriswami Pillai.
11. Mr. P. T. Rajan.
12. Rao Bahadur A. Ramayya Punja.
13. Mr. W. P. A. Saundara Pandia Nadar.
14. Mr. K. Sitarama Reddiyar.
15. Mr. T. Somasundara Mudaliyar.

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Clause 5—*cont.*

Ayes—cont.

16. Mr. N. A. V. Somasundaram Pillai.
17. Dr. P. Subbarayan.
18. Mr. T. C. Tangavelu Pillai.
19. Mr. V. C. Vellingiri Goundar.
20. Mr. P. Venkatasubba Rao.
21. Diwan Bahadur M. Ramachandra Rao Pantulu.
22. Diwan Bahadur M. Krishnan Nayar.
23. Mr. P. Siva Rao.
24. Mr. C. V. Venkataramana Ayyangar.
25. Mr. S. Muttumanicka Achari.
26. Rao Bahadur C. V. S. Narasimha Raju.
27. Sriman Sasi Bhushana Rath Mahasayo.
28. Mr. M. R. Seturatnam Ayyar.
29. Mr. M. Suryanarayana.
30. Mr. Ahmad Miran Sahib Bahadur.

Noes.

1. The hon. Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. ,, Mr. P. Ramarayaningar.
5. ,, Rai Bahadur K. Venkata Reddi Nayudu
6. ,, Rao Bahadur A. P. Patro.
7. Mr. T. E. Moir.
8. Mr. M. E. Couchman.
9. Mr. N. Macmichael.
10. Mr. F. J. Richards.
11. Mr. C. W. E. Cotton.
12. Mr. R. Littlehailes.
13. Mr. E. Periyanayagam.
14. Mr. R. K. Shanmukham Chettiyar.
15. Mr. A. Ramaswami Mudaliyar.
16. Mr. R. Appaswami Nayudu.
17. Mr. S. T. Shanmukham Pillai.
18. Mr. S. Somasundaram Pillai.
19. Mr. K. V. Ramachari.
20. Rai Sahib E. C. M. Mascarenhas.
21. Mr. M. C. Raja.
22. Mr. R. T. Kesavalu Pillai.
23. Rao Sahib P. Venkatarangayya.
24. Rao Bahadur T. Namberumal Chettiyar.

The amendment was carried, 30 voting *for* and 24 *against* it.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"I beg to move, Sir, that the words 'are concerned' be inserted after the word 'belongs'."

Mr. P. SIVA RAO :—"I second it."

The hon. Sir LIONEL DAVIDSON :—"I object to the form, Sir. If the object in view is to be secured, the proper way will be to *insert* the word 'concerns' after the words 'so far as' and not to create a series of consecutive verbs at the end of the sentence. The language should be elegant."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"So far as English language is concerned, I accept the hon. Sir Lionel Davidson's statement and I beg leave to withdraw my motion."

The amendment was by leave withdrawn.

Diwan Bahadur R. VENKATARATNAM NAYUDU :—"I beg to move, Sir, that the word 'concerns' be inserted after the words 'so far as'."

Mr. S. MUTTUMANICKA ACHARI :—"I second it."

The motion was passed. The insertion was made.

Amendment 19.

The following amendment being identical with amendment 18 fell out.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

19. *In line* 3 *of the clause insert the following words after the word 'cease' and before the words 'and sub-sections* 2 *and* 3' :—

'In the case of the dismissed person and the members of the joint undivided Hindu family at the time of the refusal, neglect or resignation and their descendants.'

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Clause 5—*cont.*

Amendment 19-*A.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I move, Sir—

19-*A. Substitute the words 'the Madras Proprietary Estates' Village-Service Act', for the words 'Act II of' in line* 5.

" This is merely a verbal amendment."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I second it."

The motion was passed and the substitution made.

Amendment 19-*B.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I move—

19-*B. Substitute the words 'the Madras Hereditary Village Offices Act' for the words 'Act III of' in line* 7.

" This is also a purely verbal amendment."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I second it."

The motion was passed and the substitution made.

Amendments 20 *and* 21.

The following amendments, being identical with amendment 18 which was already disposed of, fell out :—

Mr. B. MUNISWAMI NAYUDU :—

20. *After the word 'office' in line* 8 *of the clause add the following :—*

'Only so far as the descendants of the dismissed person and members of the joint family at the time of the refusal, neglect or resignation.'

Mr. T. ARUMAINATHA PILLAI :—

21. *After the word 'office' in line* 8 *of the clause add the following :—*

'Only so far as the lineal descendants of the dismissed person and the members of the joint family at the time of the refusal, neglect or resignation.'

Amendment 21-*A.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I move, Sir—

21-*A. Substitute the words 'no suit under section* 13 *of the Madras Hereditary Village Offices Act,* 1895, *shall be instituted in respect of the office' for the words 'no person shall have the right of suit under section* 13 *of Act III of* 1895 *or otherwise'.*

" This is merely to introduce the corresponding phraseology."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I second it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" My friend wants that the words 'or otherwise' also should go out. It is better if the words are retained. I have no objection to accept the amendment if the words are retained."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" May I know, Sir, what the force of the word 'otherwise' is ? "

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" 'Otherwise' means 'under other circumstances'."

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Clause 5—*cont.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I don't wish to press my amendment, Sir."

The motion was by leave withdrawn.

Amendment 22.

In the absence of Mr. B. Muniswami Nayudu, Rao Bahadur T. A. Ramalinga Chettiyar with the permission of the House moved the following amendment :—

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"I beg to move—

22. *Between the words 'no' and 'person' in line* 8 *of the clause insert the word 'such'.*

"It is consequential to my amendment which has been accepted. Otherwise the object of that amendment will be defeated."

Diwan Bahadur M. KRISHNAN NAYAR :—"I second it."

The motion was put and carried and the insertion was made.

Amendments 23 *to* 25.

The following amendment, being identical with amendment 18 which had been disposed of, fell through :—

Dr. P. SUBBARAYAN :—

23. *For the existing clause substitute the following :—*

'On such dismissal or removal the hereditary right of the office shall cease so far as the descendants of the dismissed persons and the members of the joint family at the time of the refusal, neglect or resignation, and their descendants are concerned and no such person shall have the right of suit under section 13 *of the Act III of* 1895.'

The following amendments were not moved :—

Rao Bahadur K. GOPALAKRISHNAYYA :—

24. *Delete the whole clause and re-number clause* 6 *as clause* 5.

Mr. P. SIVA RAO :—

25. *Delete the clause altogether*

or

Insert the following after 'removal' in the first line :—

'the undivided members of the family of the dismissed man and his and their direct heirs shall lose their hereditary right to such office,'

and omit the words beginning with 'the hereditary right' to the end of the clause.

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I will try to correct what is called a printer's devil. I move that in line 3 of clause 5 the word 'district' be inserted before the word 'collector'."

The hon. Mr. K. SRINIVASA AYYANGAR :—"I second it."

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Clause 5—*cont.*

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, Sir, I think the amendment proposed is not a proper one, because the word 'collector' in the interpretation of the clause should be understood to mean 'district collector.' My fear is that 'district collector' cannot mean a 'divisional collector'. Most of the cases are to be disposed of by the divisional collector."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I think, Sir, that the scheme of the Act places the whole power of dismissal in the hands of the district collector and not on the divisional officer."

The motion was carried and the insertion made.

The hon. Sir LIONEL DAVIDSON :—" Sir, I move that *for the words 'Act III of* 1895' *in the last line of clause* 5 *be substituted the words 'the Madras Hereditary Village Offices Act*, 1895'."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I second it."

The motion was carried and the substitution made.

The hon. Sir LIONEL DAVIDSON :—" I am sorry I have to move another amendment, Sir. I move that *for the word 'the' in the ninth line of clause* 5 *be substituted the word 'any'*."

The hon. Mr. K. SRINIVASA AYYANGAR :—" I second it."

The motion was carried and the substitution made.

Clause 5, as amended, was passed and added to the Bill.

CLAUSE 6.

Amendment 25-*A*.

1-45 p.m. Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I beg to move the following amendment :—

" 25-*A*. *Substitute the words 'the Madras Proprietary Estates Village Service Act,'* for *the words 'Act II of'*."

Rao Bahadur C. V. S. Narasimha Raju seconded the amendment.

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I accept the amendment, Sir."

The amendment was put and carried.

Amendment 25-*B*.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I beg to move the following amendment :—

25-*B*. *Insert the word 'shall' between 'office' and 'remain' in line* 4."

Rao Bahadur C. V. S. Narasimha Raju seconded the amendment.

The hon. Sir LIONEL DAVIDSON :—" Sir, I think that, if we insert the word 'shall' as proposed, we shall also have to put in another 'shall' afterwards, that is to say, if we use the form 'the office *shall* remain,' we must also use the form 'the vacancy *shall* be filled up.' If, on the other hand, you employ the subjunctive form, then it must be used in both places."

The amendment 25-B was, by leave, withdrawn.

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Clause 6—*cont.*

Amendment 26.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Sir, I beg to move the following amendment :—

'26. *After "person" at the end of the clause add "and when he so orders the person next in succession outside the undivided family to which the officer removed or dismissed belonged possessing the requisite qualifications shall be appointed".*'

" Sir, this amendment is also consequential on the amendment that has been accepted in clause 5. By this amendment, I only want the inclusion of the requisite qualifications and I do not think there is much to be said against this."

Mr. C. V. Venkataramana Ayyangar seconded the amendment.

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I must confess, Sir, that I cannot see any necessity for the addition of this clause. All that clause 6 now intends to provide is that 'the district collector may either direct that the office remain vacant or that the vacancy be filled up by the selection of a suitable person'. I assume the clause by itself is explanatory, for, I think, the clause will not be construed by itself without the aid of the other clauses in the same enactment. Clause 6 will have to be understood in the light of the previous clauses and, when clauses 5 and 6 are read together, it will appear quite evident that in the selection of the individual, the collector cannot exclude from appointment an individual, who is a member of the undivided family of the dismissed man. As the present law stands the collector must hit upon the person who is most suitable and who does not possess the disqualifications which the Hereditary Village Offices Act enumerates. I think it will be purely a surplusage if this amendment is added. If clause 5, which has already been amended, is left as it is, I do not think that clause 6 need be amended in the manner suggested. This makes it obligatory on the collector as it were to appoint invariably the individual next in succession. That would bring in some complications as to who is the next in succession. For an emergency measure like this, I do not think we need hedge it round with so many limitations at every stage and at every step which the collector has to take for enforcing its provisions. I should therefore beg of the hon. Member who has moved this amendment to withdraw this amendment in view of what has already been carried in clause 5."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" The difficulty arises on account of the existence of the words 'by the selection of a suitable person'. If these words are deleted, I am quite willing to withdraw my amendment."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I have not the least objection to delete the words 'by the selection of a suitable person'."

The hon. Sir LIONEL DAVIDSON :—" Sir, we are improving the words in this section. I would suggest that in addition to the words 'by the selection of a suitable person', the words 'either' and 'or' also be omitted. They are merely superfluous words; and 'or' is the correlative of 'either'."

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Clause 6—*cont.*

The amendment 26 of Mr. Ramalinga Chettiyar was, by leave, withdrawn.

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, I beg to move the following amendment to clause 6 :—

Omit the words 'by the selection of a suitable person' occurring at the end of clause 6."

Rao Bahadur T. A. Ramalinga Chettiyar seconded the amendment.

The amendment was put and carried.

Amendment 27.

The following amendment standing in the name of Mr. P. Siva Rao Garu was not moved and was therefore deemed to have been withdrawn :—

27. *Expunge the clause altogether.*

Clause 6, as amended, was passed by the Council and added to the Bill.

Preamble.

The preamble was then passed by the Council and allowed to stand part of the Bill.

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I now beg to move that the Bill to amend the Madras Proprietary Estates' Village Service Act, 1894, and the Hereditary Village Offices Act, 1895, be passed into law."

The hon. Mr. K. Srinivasa Ayyangar seconded the motion.

Mr. C. RAMALINGA REDDI :—"Sir, in supporting the motion that this Bill be passed into law, I request the Government to see that the executive instructions they propose to issue are issued in clear and unambiguous terms so as to guard the legitimate interests of the village officers. Nobody desires that the village officers should be punished unnecessarily, but, if they should act in concert with a movement whose avowed object is to paralyse the Government, then they deserve no sympathy. I am not a believer in mass punishments as a mode of inculcating moral lessons. However inevitable the action that we take may be, yet we must proceed with care. It is therefore I plead that, for the sake of the future peace of the country, the Government should exercise great care, all possible care, in issuing their executive instructions. I know, Sir, how anxious is the hon. the Revenue Member to do good to the rural population. He is a most genuine friend of the rural classes and I hope that my appeal will not go in vain. It would also be in consonance with the real spirit of the Act, if the instructions they issue are laid on the table of this House. With these few words, Sir, I heartily support the passing of this Bill into law."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I thank the hon. Member Mr. Ramalinga Reddi for the kind suggestions made by him."

The question that the Bill to amend the Madras Proprietary Estates' Village Service Act, 1894, and the Hereditary Village Offices Act, 1895, be passed into law was then put to the Council and carried.

The Bill was passed into law.

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16th March 1922]

III

RESOLUTION *RE* THE ALTERATION OF RULE 12 (1) OF SCHEDULE X OF THE MADRAS LOCAL BOARDS ACT, 1920.

2 p.m. The hon. Mr. P. RAMARAYANINGAR :—"Sir, I beg to move the resolution that stands in my name,—

'*In exercise of the powers conferred on them by section* 201 (1) *of the Madras Local Boards Act*, 1920, *the Local Government, with the approval by resolution of the Legislative Council, make the following rule altering rule* 12 (1) *of Schedule X of the said Act* :—

In rule 12 (1) *of Schedule X of the Madras Local Boards Act*, 1920, *as amended by notification No.* 78, *published on page* 44 *of Part I-A of the* Fort St. George Gazette, *dated* 24*th January* 1922, *for the words "twelve months" occurring in the first line the words "fifteen months" shall be substituted.*'

"Under rule 12 (1) of Schedule X of the Local Boards Act the district boards have to notify the total and elective strengths of the taluk boards in their respective jurisdictions within 12 months after the Local Boards Act of 1920 came into force. The Act having come into force on the 1st April 1921, the district boards should have notified the elective and total strengths of the taluk boards before the 1st April 1922. But owing to the fact that the question of the bifurcation of the Dharmapuri Taluk Board was under correspondence with the Government, the District Board of Salem could not notify the total and elective strengths of that taluk board in time. The District Board, however, has now fixed the strength by a resolution. But it has to confirm the resolution by another resolution three months after the date on which the first resolution was passed. Thereafter the District Board has to notify the total and elective strengths. All that will take some time. Hence, Sir, is the necessity for the extension of the time."

The hon. Rai Bahadur K. VENKATA REDDI NAYUDU :—"I second it."

The resolution was put to the vote and carried.

The Council adjourned at 2-4 p.m. till 11 a.m. on Friday the 17th March 1922.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

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The Council met at the Council Chamber, Fort St. George, at 11 a.m. on Tuesday, the 17th day of March 1922, the hon. Diwan Bahadur Sir P. Rajagopala Achariyar Avargal, K.C.S.I., C.I.E., President, presiding.

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No.* 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Premature retirement of officers due to Reforms.

1373 *Q.*—The Raja of Ramnad: With reference to the answer given to question No. 1262 at the meeting of the Legislative Council held on the 15th February 1922 regarding the premature retirement of I.C.S. officers, will the hon. the Member for Finance be pleased to say how and by whom the Government were precluded from giving the information asked for?

A.—The hon. Member is referred to the India Office communiqué which appeared in the newspapers on the 13th March.

Election expenses of Members of Councils.

1374 *Q.*—The Raja of Ramnad: Will the hon. the Law Member be pleased to state whether all the candidates who contested seats to the Madras Legislative Council and to the Council of State and Legislative Assembly from Madras have lodged returns of their election expenses under the rules governing elections and, if any have failed to do so, what action has been taken against them?

A.—All the candidates except one lodged returns of their election expenses under the rules governing elections, but the return lodged by one of them was not in the prescribed form. The candidate who failed to lodge his return of election expenses and the candidate whose return of election expenses was not in proper form, both incurred the disqualification mentioned in rule 5 (4) of the Electoral Rules and this fact was duly notified in the Gazette.

The Deputy President of the Madras Legislative Council.

1375 *Q.*—The Raja of Ramnad: Will the hon. the Law Member be pleased to state whether the absence of the Deputy President of the Legislative Council, Diwan Bahadur P. Kesava Pillai, who is on deputation to British Guiana for a period of more than six months, is permissible under the rules, whether he continues to be Deputy President, whether he draws pay for the period of his absence, and, if it is not permissible, why no action has been taken to fill up the vacancy?

A.—His Excellency the Governor has condoned the absence of Diwan Bahadur M.R.Ry. P. Kesava Pillai from Madras and Mr. Kesava Pillai continues as Deputy President and draws pay as such. What the rules are the hon. Member is referring to is not clear.

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II

SPEECH BY THE HON. THE PRESIDENT *RE* THE TIME-LIMIT ON MOTIONS ON DEMANDS FOR GRANTS.

The hon. the PRESIDENT :—" Before taking up the motions on the Budget I have to inform the House that the Local Government have intimated to me that in pursuance of section 72-D (3) of the Government of India Act they have indicated in italics in the Budget Estimates for 1922–23 those items of expenditure in regard to which they are not submitting any proposals to the House. Hon. Members are aware that His Excellency the Governor has allotted under sub-rule (1) of rule 29 nine days from the 17th to the 27th March (excluding the two Sundays) for the discussion of the demands of the Local Government. Under sub-rule (2) of the above rule His Excellency has been pleased to fix one day as the maximum for the discussion of the motions on each of the following demands, viz., Land Revenue, General Administration, Education (non-European) and Civil Works—In charge of Public Works officers (Transferred portions), and half a day as the maximum for motions affecting each of the other demands. I would invite the attention of hon. Members to the fact that, within the period of nine days allowed for the purpose, the House will have to dispose of so many as 35 demands, each comprising several heads of account. The number of motions for omission or reduction of grants or items of grants has totalled about 800. Hon. Members will see that considerable expedition will be needed and I would appeal to them to use that expedition. I would also suggest to hon. Members, if I may, to distinguish between the more important motions and the less important ones. Neither the rules nor the standing orders prescribe any time-limit for the speeches to be made at this stage. I have, however, following the precedent of last year, resolved to fix 10 minutes as the time-limit for the hon. Members who move motions or reductions of grants or items of grants, and also 10 minutes to the hon. Members of the Government who have to answer those motions; all other hon. Members will have 5 minutes each. I shall enforce the time-limits strictly; and I appeal to hon. Members to help me to do so. Hon. Members will see that under rule 29 (3), at the close of the nine days allowed for the purpose, it will be my duty to put forthwith every question necessary to dispose of all outstanding matters in connexion with the demands for grants."

III

DEMANDS FOR GRANTS.

DEMAND I—LAND REVENUE.

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, I move for Demand I standing in my name in respect of Land Revenue department amounting to Rs. 227·59 lakhs. The details of this grant will be found on page 4 of the statement which, I think, is in the hands of hon. Members."

Motion 1.

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, I move—

1. *To reduce the allotment of Rs.* 1,72,190 *for treasury deputy collectors by Rs.* 100.

" My object is to ascertain what policy the Government wishes to adopt in the matter of the salaries of the Provincial officers. It has already been

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stated by the hon. the Finance Member that the system of time-scale recently introduced has an adverse bearing on the revenues of the province and the expanding revenues even cannot be able to cope with this annual increment on account of time-scale. Before this system takes deep root in the country, I think it is necessary to examine the desirability of continuing the new system now introduced in all the services. That is the reason why I have given notice of this motion.

"My second object is to bring to the notice of the Government the fact that the present scale in the opinion of some is very high and it also requires revision. No doubt the present scale was arrived at as the result of examination in the past; but conditions are changing and we should take into consideration the fact that prices are falling. Therefore in my humble opinion the system of salaries does require revision again. This province is purely an agricultural province and the sources of taxation are limited and are not capable of expansion. Whatever be the justification for the continuation of the system in other provinces, the conditions in this province require a careful examination in the light of the present financial situation. For these reasons, Sir, I make my motion."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, so far as the question of the treasury deputy collector is concerned, I think, I may again inform the House, which I believe I did on a previous occasion, that the question of transferring them to the Imperial Audit Department is now under consideration. The Government of India have been in correspondence with the Madras Government in regard to the desirability of the transfer to the Audit Department, which is Imperial, of control over district treasuries in this province. If the control over the district treasuries is transferred to the Audit Department, the treasury deputy collectors who are now in charge of the district treasuries will no longer be Provincial officers, and they will become Imperial officers. The details of this proposal have been almost worked out. An officer representing the Audit Department of the Government of India and another officer representing the Madras Government were placed on special duty recently and they toured in some parts of the province, conferred with collectors and treasury deputy collectors and have submitted their report. The Auditor-General was himself here the other day and I had the benefit of a talk with him on the same question. The matter therefore is practically under discussion and probably the treasury deputy collectors will be transferred to the Government of India. But as regards the general issue that has been raised by the hon. Mover as to what policy we intend pursuing in the matter of time-scale of salaries, that has been sanctioned not only in this province but I take it all over India, and not merely in respect of provincial services but also in respect of all-India services, non-gazetted services and even menial appointments."

The hon. the PRESIDENT:—"Order, order. I do not think that such a wide question could be discussed on a motion to reduce the allotment for treasury deputy collectors. I was probably wrong in having allowed the hon. Mover to take up the general question. The hon. the Revenue Member should confine himself to the question of treasury deputy collectors."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"So far as the question of treasury deputy collectors is concerned, that is all I have got to say. Inasmuch as I was asked about the future policy which this province was going to observe in regard

11-15 a.m.

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to the revision of salaries of all provincial services I thought I would not be doing justice to the hon. Member if I refrained from answering him."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"In the light of your ruling I do not press it, Sir."

The motion was by leave withdrawn.

Motion 2.

Mr. C. V. VENKATARAMANA AYYANGAR :—

2. *To reduce the allotment of Rs.* 1,72,190 *for treasury deputy collectors by Rs.* 25,000. (*Abolition of* 3 *posts out of* 23.)

"Sir, as one of those that have given notice of several motions which I see has been followed by several of my friends, I should like to say, with your permission, that by making these motions we do not in the least cast any slur upon any particular official. I am sorry to say that in many of these departments, a number of high officials think that it is a reflection on them. . ."

The hon. the PRESIDENT :—"Order, order. The hon. Member is straying from the point. I do not think the question is what the impression of officials generally is in regard to motions generally made by hon. Members here. The hon. Member must confine himself to the specific proposal to abolish 3 out of 23 treasury deputy collectors."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I bow to your ruling, Sir. I heard that these treasury deputy collectors think that it is some reflection on them when we are making suggestions for their reduction. So far as the treasury deputy collectors are concerned, we have to see, with all respect to them, whether their retention is a matter of necessity. But, in the case of divisions, we find the divisional officers necessary. If we have plenty of money we should certainly give more salary to these people and to the treasury deputy collectors and appoint more of them. But as matters stand it is absolutely necessary, I think, that we must make some reduction. We want to have 3 of the posts reduced out of 23. Our argument may be based on two points. We think that the number of the districts can be reduced. That is relevant to the fact. Now at present, there is a treasury deputy collector in every district. Therefore the reduction in the number of the treasury deputy collectors will follow as a consequence the reduction in the number of districts. But even if the number of districts is not reduced, I think we can easily reduce the number of treasury deputy collectors, as in many places the work has been reduced. We know, Sir, that the old treasury deputy collector was also the vice-president of the district board, and he was doing the work of the district board, and he was doing various other duties. He was personal assistant to the Collector so far as appointments were concerned. In fact he was looking after the general administration of the whole district. Now, that has been taken away from him; and his most important work, i.e., the duty of checking cash, an important work in the treasury, has been taken away from him owing to branches of the Imperial Bank having been established in many centres. Therefore the only important business left is to check the various bills. But we know that these bills are checked by the various clerks and managers of the office. No doubt the treasury deputy collector endorses the checking. I will submit that in some of the districts where the work is not heavy, it could be arranged to be done by the head ministerial officer. Therefore without any change of

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MADRAS RECORD OFFICE

policy we could effect some small reduction.' So far as the treasury deputy collectors are concerned I am sure you will be able to find three districts where they can be abolished. The work may be done in the general branch, the bills may be signed by the Collector himself or the personal assistant or the huzur sarishtadar. That, Sir, is the main ground which has induced me to make this motion and I think the Government will have no objection to this small reduction."

The hon. Sir CHARLES TODHUNTER :—" May I say, Sir, from the financial point of view this question of the reduction of districts is a matter that can only be taken up after a very full and careful inquiry ? The hon. Member may remember that it took something like ten years before any orders were passed upon the inquiry made by Sir William Meyer. It is a most terrible business, and it could not be undertaken in a short time.

" As regards the proposal that the Collector should do his treasury deputy collector's work, that would really come to abolishing the Collector. The treasury deputy collector is busy in the treasury all day with routine work and if you tie the Collector there, he cannot do anything else. As for the proposal to put the huzur sarishtadar in charge the Comptroller-General would not accept it. I should like to say lastly that, from our point of view, there is no advantage to Madras in cutting out these officers. We are just going to hand them over to the Comptroller-General. When the Comptroller-General takes them over, he will take over the establishment as it stands. To hand over to him an establishment which is inadequate for the work would not be advantageous to Madras and would only lead to difficulties on the part of the Comptroller-General."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, may I ask the hon. the Finance Member whether any adjustment, on account of this duty of the Comptroller-General, will be made by the Local Governments or whether the whole cost would be debited to the Central Government ?"

The hon. Sir CHARLES TODHUNTER :—" The whole cost of the establishment will be debited to the Central Government. The main object of the joint inquiry that has been made recently is to see how these duties can be carried on without involving any extra cost to Provincial Government as a result of the handing over of officers who are doing a considerable amount of work on account of the Provincial Government. Our sole anxiety in carrying out the transfer to the Central is to do so without involving any extra expense."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Only one word, Sir, and I shall withdraw the motion. The hon. the Finance Member said that personal assistants are very few. I know that. I suggested a reduction of only a very few of the treasury deputy collectors. The hon. the Finance Member did not suggest one head under which there might be some possibility of reduction."

The hon. Sir CHARLES TODHUNTER :—" I should only be too glad if I could give the hon. Member any hope of reduction. The position however is this. The treasury deputy collector is doing a lot of work for the Provincial Government outside the treasury."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I said Sir, that they were doing before."

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The hon. Sir CHARLES TODHUNTER:—"We have to hand over them bodily to the Government of India just as the whole charges for the treasury will be handed over. The trouble will be we shall not be able to get any outside work from them. It is the same position as the handing over of the local boards practically to elected officers. If the tahsildars do not do the work they formerly did, the presidents will have to find some one else to do it. The whole trouble is how to carry on such work as the treasury deputy collector is doing outside the treasury without incurring any additional expenditure. Mr. Lloyd has been on special duty and his sole endeavour has been to see that we do not incur any extra expense."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I withdraw the motion."

The motion was by leave withdrawn.

Motions 3 *to* 20.

The following motions were not made:—

Rao Bahadur C. V. S. NARASIMHA RAJU:—

3. *To reduce the allotment of Rs.* 5,640 *for personal allowances to accountants by Rs.* 100.

Mr. K. SARABHA REDDI:—

4. *To omit the allotment of Rs.* 5,640 *for personal allowances to accountants.*

5. *To omit the allotment of Rs.* 1,248 *for personal allowances.*

6. *To omit the allotment of Rs.* 600 *for personal allowances under military payment.*

7. *To omit the allotment of Rs.* 1,848 *for personal allowances under local fund audit establishment.*

Mr. T. ARUMAINATHA PILLAI:—

8. *To reduce the allotment of Rs.* 37,500 *for travelling allowance by Rs.* 3,750.

Mr. B. MUNISWAMI NAYUDU:—

9. *To reduce the allotment of Rs.* 37,500 *for travelling allowance by Rs.* 3,750.

Mr. C. NATESA MUDALIYAR:—

10. *To reduce the allotment of Rs.* 37,500 *for travelling allowance by Rs.* 3,750.

Mr. C. RAMALINGA REDDI:—

11. *To reduce the allotment of Rs.* 37,500 *for travelling allowance by Rs.* 3,750.

Mr. K. SARABHA REDDI:—

12. *To reduce the allotment of Rs.* 37,500 *for travelling allowance by Rs.* 19,000.

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Mr. R. SRINIVASA AYYANGAR :—

13. *To reduce the allotment of Rs.* 37,500 *for travelling allowance by Rs.* 7,500.

Dr. P. SUBBARAYAN :—

14. *To reduce the allotment of Rs.* 37,500 *for travelling allowance by Rs.* 3,750.

Mr. O. TANIKACHALA CHETTIYAR :—

15. *To reduce the allotment of Rs.* 37,500 *for travelling allowance by Rs.* 3,750.

Sriman SASI BHUSHANA RATH Mahasayo :—

16. *To omit the allotment of Rs.* 2,280 *for local allowance for Treasury Deputy Collector's establishment, the Nilgiris.*

Mr. C. V. VENKATARAMANA AYYANGAR :—

17. *To reduce the allotment of Rs* 8,25,400 *for treasury establishments by Rs.* 1 *lakh.*

Sriman SASI BHUSHANA RATH Mahasayo :—

18. *To omit the allotment of Rs.* 9,600 *for two deputy collectors under subdivisional establishments.*

Mr. O. TANIKACHALA CHETTIYAR :—

19. *To omit the allotment of Rs.* 42,000 *for subdivisional establishments.*

Rao Bahadur K. GOPALAKRISHNAYYA :—

20. *To omit the allotment of Rs.* 42,000 *for temporary subdivisional establishments.*

Motion 21.

Mr. B. MUNISWAMI NAYUDU :—

21. *To reduce the allotment of Rs.* 42,000 *for subdivisional establishments by Rs.* 12,000.

"Sir, in December, a resolution of mine was taken up regarding the location of the court of Special Deputy Collector, Chandragiri, to try Estates Land Act suits at Tirupati. The hon. the Law Member then said that he was considering as to whether that court should be abolished after 1st April 1922 or whether it should be continued. In view of that I want to ascertain whether it is to be abolished or not. I may submit, Sir, that it is absolutely unnecessary to continue the court hereafter. As the hon. the Law Member said, 80 per cent of the suits that come to that court go uncontested. Most of them are suits relating to recovery of rent. In these circumstances, I submit that the Revenue Divisional Officer can well dispose of the work that is there and no special court is necessary. When we are hard pressed for money, I think the Government will accept this motion for retrenchment."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, the four temporary deputy collectors for whom provision has been made on page 35 of the Budget Estimate consist of one deputy collector on special duty in the Sivaganga and Ramnad zamindaris and three deputy collectors

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placed at the disposal of the Law Department to try suits under the Estates Land Act. We on the revenue side have no control whatsoever as regards the fixation of places to which these three officers should be posted. The Law Department decides that question for itself as to whether a deputy collector is needed for that specific duty and whether there is a sufficiently large quantity of Estates work. An application is made to us by the Law Department that a deputy collector is wanted; to the extent of the budget provision we place that officer at its disposal; when the budget provision is exhausted we give them an emphatic no. Without this special agency it would be obligatory on the ordinary revenue divisional officer to try cases under the Estates Land Act also. There are places where he can do so. There are again places where he could not do so on account of the bulk of the work that has to be done. It is more or less for the Law Department to decide it. This allotment of Rs. 12,000 which the hon. Mover wishes to cut out from this provision would leave the deputy collectors as they are, but it would cut out the establishment that should be employed under them which would be rather undesirable. So long as the number of deputy collectors remains what it is, the temporary establishments could not be curtailed."

11-30 a.m.

The hon. Mr. K. SRINIVASA AYYANGAR :—" We referred this question to the Board of Revenue. We have got a reply stating 'we are considering it'. We have not given our opinion."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" There is a motion in my name to omit the whole allotment of Rs. 42,000. The hon. the Revenue Member told us what the four temporary deputy collectors budgeted for under this head were doing. It would be advantageous for the House if he would tell us also what the other deputy collectors are doing, so that we may know what they are for. Anyhow, I do not press the motion."

Mr. B. MUNISWAMI NAYUDU :—" So far as this motion is concerned, Rs. 42,000 allotted in the budget is only for the pay of the temporary deputy collectors and not for their establishments. The object of my reduction, therefore, is to affect also the establishments of the deputy collectors. So far as the number of deputy collectors is concerned, I am sorry the hon. the Law Member has not been able to give us a definite assurance on the point. I think it is unnecessary to have a special deputy collector for suits work in Chandragiri. If the hon. the Law Member will give us an assurance, I have no objection to withdraw my motion."

The hon. Mr. K. SRINIVASA AYYANGAR :—" I have not made up my mind and the hon. Member's opinion will certainly have its due weight when I arrive at a conclusion."

The motion was by leave withdrawn.

Motions 22 and 23.

The following motions were not made :—

Mr. C. V. S. NARASIMHA RAJU :—

22. *To reduce the allotment of Rs.* 42,000 *for subdivisional establishments by Rs.* 100.

Mr. C. NATESA MUDALIYAR :—

23. *To omit the allotment of Rs.* 42,000 *for subdivisional establishments.*

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Motion 24.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" The motion that stands in my name runs as follows :—

24. *To omit the allotment of Rs.* 42,000 *for subdivisional establishments.*

" I want information as to what the other two deputy collectors are doing."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" The two deputy collectors shown on the same page belong to the permanent cadre and they are now employed in the Bellary and Anantapur districts on resettlement work."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" I do not press my motion."

The motion was by leave withdrawn.

Motions 25 *to* 29.

The following motions were not made—

Mr. C. RAMALINGA REDDI :—

25. *To omit the allotment of Rs.* 42,000 *for subdivisional establishments.*

Dr. P. SUBBARAYAN :—

26. *To omit the allotment of Rs.* 42,000 *for subdivisional establishments.*

Mr. R. SRINIVASA AYYANGAR :—

27. *To omit the allotment of Rs.* 42,000 *for subdivisional establishments.*

Mr. T. ARUMAINATHA PILLAI :—

28. *To omit the allotment of Rs.* 42,000 *for subdivisional establishments.*

Rao Bahadur C. VENKATA RANGA REDDI :—

29. *To omit the allotment of Rs.* 42,000 *for subdivisional establishments.*

Motion 30.

Mr. C. V. VENKATARAMANA AYYANGAR :—" The motion that stands in my name runs as follows :—

30. *To reduce the allotment of Rs.* 5,17,800 *for tahsildars by* (*abolition of* 18 *out of* 168) *half a lakh.*

" I beg to suggest, Sir, that 18 out of 168 posts be abolished. Of course it will be said by the hon. the Revenue Member that we have touched the lowest minimum. I do not know what his point of view is, but so far as I am concerned we could go very much lower. Therefore, so far as this reduction is concerned there will be no change of policy. In fact, in the year 1911, it may be due to Meyer's scheme, the number of taluks was considerably increased. So far as we are able to see; the work of the tahsildars is not greater now than what it was before when they had a good deal of work to do with regard to local boards. Now, practically, they are given no local fund work in some districts, like Coimbatore where the higher officials have issued instructions that on no account they should help the local fund department. In these days, when travelling is much easier, there are number of departments which are dealt with by their respective departmental heads. About only one-tenth reduction of the number may not be very much, and since we think that we should have some reduction made somewhere—of

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course from the Government's point of view no reduction will be possible—it would be quite possible for them to find out in what districts they may curtail the number. In any case, without changing their policy, and consistently with efficiency and all those qualifications put forth by the Government, the number of tahsildars can be curtailed easily by 18. There is no use of withdrawing every motion and then asking the Government to make a reduction of 3 lakhs or 4 lakhs. Therefore, I submit that the hon. the Revenue Member will be pleased to give us some assurance that some reductions will be made, 18 or anything. I think one taluk in every district can be easily abolished. Therefore, I move that 18 posts out of 168 be abolished."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, the House is probably not aware of the fact that the sanctioned cadre of tahsildars is 217, whereas we have got at the present moment only 168 budgeted for. When the Land Records Department was abolished, the duty that was being done by special tahsildars employed for land records work alone was thrown on the shoulders of the ordinary land revenue tahsildars. It looked as though the discharge of that additional work could not be satisfactorily done unless and until some relief was given to these tahsildars by curtailing their jurisdictions and increasing their number, but I refused to be carried away by that temptation. I have, therefore, provided in the budget for only 168 tahsildars. If that number is again to be curtailed by an indefinite number of 18, leaving me only 150 tahsildars, the only alternative will be that once more we have to requisition the services of a special officer for re-distributing the taluks equally so that the number of taluks in the presidency may not exceed 150. As things stand, it will be certainly impossible to merely look at the district map or the presidency map and draw a line in a particular manner and thus determine the future jurisdiction of each tahsildar. That, of course, would create administrative difficulties which I think the House may be aware of. Under the circumstances, the House cannot say that I have made an extravagant demand. On the other hand, I have asked for an irreducible minimum, for which the House will, I hope, agree."

Diwan Bahadur M. KRISHNAN NAYAR:—"I think that it will not be possible for the hon. the Revenue Member to reduce the existing number of tahsildars. Tahsildars like village headmen have to perform all kinds of duties. They may all on a sudden be asked to send up a report on, say, snakes, or wild animals, or on the political situation, etc. I know they have been working very hard. I therefore think that practically it will not be possible to reduce the existing number of tahsildars."

Rao Bahadur T. BALAJI RAO NAYUDU:—"May I ask the hon. the Revenue Member as to whether the land records tahsildars are included in the sanctioned cadre of tahsildars, viz., 217?"

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"No, Sir."

Mr. C. RAMALINGA REDDI:—"I would like to oppose this motion more on a question of principle which I think this House has to bear in mind than on the actual merits of it. I would like the House to keep an open mind when deciding whether the number of tahsildars should be reduced or not. Even an open mind is one thing and trying to bring about a change when we have not had occasion to consider all the merits of the case is

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another. I have listened to the amendment proposed by my friend Mr. Venkataramana Ayyangar. He seems to proceed on the assumption that if we cut short the allotment, the Government will somehow be able to carry out a particular policy which this House has had no opportunity to consider on its merits and decide upon. That assumption is not correct. What my hon. Friend should do is this: I hope he will excuse my saying that all his other amendments also seem to be of the same nature as this one —he should have all these matters settled through the agency of the Finance Committee and a working policy formulated there and then move this House for necessary reduction to be made. Instead of doing this, if he goes on in this way, it will only create confusion."

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, if we are to abide by the advice given by hon. Member Mr. Ramalinga Reddi there would be no necessity for reduction of any grant for any establishment at all. I think Mr. Ramalinga Reddi, being somewhat new to this province, is hesitating to cut down the expenditure. But I assure him that I have been long in this province and I know in my own district there is one taluk too many. It was created some time ago and I find, Sir, that that taluk can be abolished and amalgamated with neighbouring taluks. If this is so in my district, it must be equally so in other districts also. Therefore, Sir, there shall be no difficulty in accepting this motion. Unless we reduce the grant the Government will not at all think in that direction. That is why we must cut short the provision for the number of tahsildars. I heartily support the motion."

Mr. M. SURYANARAYANA PANTULU :—" May I beg the hon. the Revenue Member to say as to whether the provision made at page 82 of the Budget Estimates for 23 tahsildars is not in addition to the 168 tahsildars for whom provision is made at page 36 ?"

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" They are taluk magistrates. Establishments which appear under 22 D (*c*) do not relate to the Land Revenue Department. Certain officers belonging to the Land Revenue Department are lent to other departments where they do work for those other departments."

Mr. A. RANGANATHA MUDALIYAR :—" Was it in the previous year included in the 216 referred to by the hon. the Revenue Member ? In that case the alleged reduction is not fair."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I am going to withdraw the motion, but I simply want to say this. I believe, Sir, I have heard Mr. Ramalinga Reddi speaking of bureaucrats. He was a bureaucrat till very recently and it will take many years for him to shake off his bureaucratic notions completely.

"The unfortunate thing is, we were very anxious to suggest that a committee may be appointed in which the whole question may be decided. In the absence of that we have to make some reduction, and, if we cannot do that, let us by one resolution pass the 13 crores and odd rupees.

" It was in that year, 1911, that the number of tahsildars, the number of deputy collectors and the number of collectors were all in-
11-45 a.m. creased. We were then rolling in wealth and therefore we could be luxurious, but now it is a question of poverty and not plenty. Government officers have got a lot of establishment when they are in office, but when they retire they are content with a very small number of servants.

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Now, it is a question of whether a few officers should be reduced or not. From that point of view, we ask the Government to reduce the officers, as a matter of necessity and as a matter of discretion, and I think they can easilz be reduced. I propose a reduction only of 18 officers which comes only to about one for each district. So I appeal once more, although I am going to withdraw my motion, to the hon. the Revenue Member not to consider the existing number as the irreducible minimum, but something like a minimum from which some reduction may be made. Since we have got to have some reduction somewhere, and the work of tahsildars has been to some extent taken away by other officers, and during the last twenty years the number of tahsildars, deputy collectors and magistrates has increased, I want that the number of tahsildars should be reduced. The number can again be increased when we want and when we have got more money by some windfall or some other cause. But under the present circumstances when we have practically to go to the Insolvency Court, I submit that by reductions we may manage to have no deficit instead of borrowing and paying back with interest. If the hon. the Revenue Member wishes to make reductions somewhere, I think the reduction in the number of tahsildars would be the easiest thing that can be managed. So, with the further appeal to the Revenue Member to make some reductions in the course of the year, I should like to withdraw my motion."

The hon. the PRESIDENT :—" Does Mr. Ramachandra Rao wish to say anything on this motion ? "

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I simply wanted to point out, Sir, that I heard Mr. Ramalinga Reddi raise a question of what he considered to be an open mind, but many of the motions on the agenda which stand in his name are open to the same objection." (Laughter.)

The motion was by leave withdrawn.

Motion 31.

The following motion was not made :—

Mr. K. SARABHA REDDI :—

31. *To omit the allotment of Rs.* 13,764 *for personal allowance to clerks under special fund audit establishment.*

Motion 32.

Mr. B. MUNISWAMI NAYUDU :—" Sir, I beg to make the motion which stands in my name and which runs thus :—

32. *To reduce the allotment of Rs.* 5,12,000 *for temporary taluk establishments by Rs.* 1,50,000.

" Sir, hon. Members would find on a reference to the Budget that the budget estimate for 1921-22 for temporary establishments was Rs. 6,55,000, and the revised estimate for that year is Rs. 4,02,000. This was due to the probable savings of Rs. 2,02,712 entered below in the Budget. In 1920-21, the previous year, the amount was Rs. 3,75,000. Now we find, instead of budgeting for Rs. 3,75,000 as in 1920-21, or for Rs. 4,02,000 according to the revised estimates of 1921-22, that a provision is made in the next year's budget for Rs. 5,12,000, which is an increase of over a lakh of rupees over the revised estimates of the current year. I submit, Sir, that at a time of financial stringency, to add to the amount that we were able to spend last

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year or even the year before last by more than one lakh would only add to the amount of the deficit at the end of the Budget, which we must try to reduce as much as possible. I submit, Sir, that prudence requires that we should curtail expenditure.

"And, secondly, I want to raise a question of principle, and it is this. We are asked not only under this heading but also under 'Survey and Settlement' to give our sanction to something like 11 lakhs for temporary establishments. What exactly is the nature of these temporary establishments, for how many months are they proposed to be employed, and in what districts we have absolutely no information given to us in the Budget. I certainly agree with Mr. Ramalinga Reddi when he said that this Budget gives a maximum of statistics but minimum of information. In these circumstances, as a matter of principle I should say that while we could manage with Rs. 4,02,000 last year, there is no reason why we should spend more, i.e., Rs. 5,00,000 for the Budget year under temporary establishments. If this item is cut down, it would not embarrass the Government at all, as it is open to the Government to come again with a supplementary demand and to say for what period, for what kind and amount of work, and for what districts the temporary establishments may be required, and it would be then for the House to consider and sanction such demand. The reduction which I propose, far from embarrassing the Government, would make it possible for the members of this House at a later stage to have more information as to what it is exactly they would have to vote for. For these reasons, Sir, I move that the allotment for temporary taluk establishments be reduced by Rs. 1,12,000."

Mr. C. Ramalinga Reddi:—"Mr. President, I would like to give my hearty support to this motion. Here we are viewing from an altogether different standpoint. We are not in any way interfering with what I may call the regular establishment of the Government, and we are not making any arbitrary suggestions as to how many officers have to be appointed or how many can be reduced. We are dealing with a temporary establishment, something indefinite, something which would not be required all the year round, and something about which we have no information whatsoever. For two reasons I would like to press this motion, if need be, to a division. One is that we should like to have more information about this temporary establishment. Secondly, since these offices are temporary no great embarrassment or even inconvenience would be caused to Government. Even if we cut it down by a sum of Rs. 1,12,000 as proposed in this motion, there is nothing to prevent them from coming to this House again for a supplementary grant, and I think it would be advisable for this House so to make its proposals for reduction as to make the Government come occasionally to us and not to ignore us altogether until next March. We ought to be in a position occasionally to exercise the very legitimate pressure that all legislatures do through the power of the purse, and we believe that motions of this kind are the least inconvenient on which we can take action of the kind proposed."

The hon. Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur:—"Sir, a good deal of misapprehension as regards the purposes which this allotment is intended to serve has been caused by reason of the fact that under the heading 'Taluk establishments' we have made a provision of 5 lakhs and odd on account of temporary establishments. It is therefore assumed,

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I believe, that this temporary establishment is intended to replenish the establishment attached to each taluk from time to time for doing what is regarded as normally the duty of the taluk staff. That is not the case at all. The purposes for which this sum of Rs. 5,00,000 and odd is intended to be utilized are these : In the first place it is utilised in those districts where survey and settlement parties are at work, and where the work that is done by the settlement and survey parties has to be brought up to date. With regard to the maintenance of correct records, some temporary establishment has got to be taken in the taluk offices for the purpose of revising their registers in the light of the results of the survey and settlement operations. This work is merely confined to those districts where the survey and settlement operations have advanced to a stage at which the results of that work have to be assimilated in the records of the taluk offices. For that purpose, we want an allotment of Rs. 4,39,417 which, the House will remember, is far less than what the Board of Revenue itself considered would be necessary for the carrying on of that work. There is a small allotment of Rs. 420 for the purpose of sorting and re-writing old records. It is a work which is done almost every year to the extent that such sorting and re-writing becomes necessary, and after all, this amount is a trifle. There is an allotment of Rs. 12,000 for temporary establishments in districts where Loans work is in operation. The House knows that we have granted large loans freely in the Ceded districts in particular on account of famine, and we were anxious that the Loans work should not form one of the ordinary duties of an already over-worked revenue official. We had therefore to employ temporary establishments for the purpose of expediting the distribution of loans in districts where loans had been sanctioned. We have got a sum of Rs. 4,000 entered for patta transfer work in taluk offices. It is, as every revenue officer will realise, an obligatory duty which we cannot certainly neglect if the tenant wants his pattas to be correct. Then, Sir, during the heavy kist seasons, which we all know do not occur throughout the year, it becomes necessary to supplement the regular shroffs' establishment in the taluk offices by adding one or two additional temporary shroffs to cope with the heavy treasury transactions. As soon as the reason of heavy kist collection is over those establishments are at once disbanded. The principle which has been followed is to retain on the permanent establishment only that minimum which has got work all the year round, and to take on from time to time such temporary establishment as may be considered necessary for the discharge of temporary work which arises for particular reasons and then to disband that establishment rather than retain always a larger number of permanent men than may be necessary for the transaction of ordinary work. That I think is a sound financial policy.

" Some reference was made to the fact that in the previous year's budget we find an allotment of Rs. 6,55,000, whereas the revised figure for that year is only Rs. 4,02,000. May I at once explain, Sir, that I am not at all responsible for this reduction. If I can cite any witness to prove the authority against whom I can to bring that charge, it will unfortunately be found that the same individual will be both the witness and the accused, and that is my hon. Colleague the Finance Member (laughter). For we were told to effect all possible economies in the course of the current year wherever we could, and that we might reduce, as far as possible, the allotments under the head of temporary establishments. This was done in the hope of renewing such surrenders that we had made in the current year in the course

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of the next year. Wherever we thought that the work would not materially suffer by the postponement of any work we willingly surrendered in pursuance of the request of the Finance Member. On the other hand the demand from the Board of Revenue in respect of actual work that has to be done for the next year was for Rs. 7,10,000. There, again, the pruning knife of the Finance Member was applied freely, and instead of giving us the sum of Rs. 7,10,000 which the Board of Revenue asked for, in view of the material curtailment of the same allotment during the current year, we obtained an allotment of not more than Rs. 5,12,000. Well, Sir, if any portion of this establishment is done away with, the only consequence will be that work will have to be spread over a number of years. If it is so spread over, we can easily imagine whether it will be conducive to the interests of the parties concerned, or whether the work will be well done if it is done tardily. The survey and settlement parties cannot be kept on for two or three years indefinitely until we go on adding a little to the temporary establishments from year to year. What will be the consequence, I ask, if you keep the survey and settlement parties in the districts for longer periods than necessary? The expenditure will be far greater than the comparatively smaller expenditure incidental to the temporary establishments. For these reasons, I hope the hon. Mover will not press his motion."

12 noon.

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, during the course of the debate last year on a similar motion the hon. the Revenue Member was pleased to say that a portion of this sum was allotted for leave reserve, and the question was being examined. I do not think we were informed as to how the inquiry resulted and what policy the Government was going to adopt with regard to it."

The hon. Sir CHARLES TODHUNTER :—"May I at once set the hon. Member's mind at rest, Sir? We have abandoned the scheme as a measure of economy."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"And then it was further stated that the lump provision would be subjected to the scrutiny of the Finance Committee. And whether it was examined by the Finance Committee and whether they were satisfied with the allotment is not known."

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I wish to support this motion. I was listening carefully to my hon. Friend the Revenue Member. He has adduced a number of arguments to support his position. I have not been impressed with the strength of his arguments. He said that on account of the prevalence of famine in some parts of the Ceded districts, it had become necessary to employ some men for the purpose of granting loans. That, I believe, is the only new thing undertaken this year. For that purpose alone the amount of one lakh and odd asked for, for the year 1922–23, is not necessary. The hon. the Revenue Member called as his witness the hon. the Finance Member. There is no witness, probably on the face of the earth, in whom I shall place more reliance than upon this particular witness. I know the efforts he had made in all ways to reduce, as far as possible, the expenditure, and when the hon. the Revenue Member asked for the grant of 6½ lakhs, the Finance Member reduced it to 4 lakhs and 12 thousand. The Finance Member knows, probably more than any other member in this House, the amount that will be necessary, as far as one

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can see, for a purpose like this and he has thought fit, according to my friend the Revenue Member, to reduce 6½ lakhs to 4 lakhs and odd. My friend Mr. Muniswami Nayudu wants to reduce it by 1,12,000. If this reduction is carried out, I do not at all think that the work of the Government will in any way suffer. I think in the interests of the public we should make this reduction. And if in the course of the year the Revenue Member finds that it is impossible to carry out the scheme with this amount, he can certainly come before us and I do not think that the House will then refuse the grant."

Rao Bahadur T. BALAJI RAO NAYUDU :—" I beg to support this motion. What the hon. the Revenue Member said is that a bulk of the amount goes to the Survey and Settlement department. I suppose the standing orders of the Board of Revenue (the departmental rules) make it obligatory on the staff of the revenue establishment to see that the revenue registry and the survey marks are kept intact and the revenue registry are according to the enjoyment. These duties are performed by the land revenue staff. If that is so there is no necessity at all for this temporary staff to prepare accounts or registers for the settlement and survey parties. The existing land records, if properly maintained by the revenue staff would enable the survey and settlement party to execute their work. So it seems, Sir, that this amount of 65 lakhs is spent on account of the negligence of the revenue staff allowed to go on in the course of 30 years. And if my recollection is correct, hitherto, at any rate 10 or 15 years ago, there was no such establishment as a temporary staff to prepare the preliminary records. This measure, was ——."

The hon. Sir LIONEL DAVIDSON :—" May I say, Sir, that this was in existence even when I was the Collector of Tinnevelly twelve years ago ?"

Rao Bahadur T. BALAJI RAO NAYUDU :—" There was no special department employed so far as I know to prepare the register for the survey and settlement parties. So I believe this is a novelty introduced within the last 10 or 15 years and I think there is every justification for cutting down even the whole allotment especially because we are incurring a large expenditure of about 20 lakhs under Survey and Settlement department."

Mr. N. A. V. SOMASUNDARAM PILLAI :—" I support this motion, Sir. In my opinion this reduction is a very necessary one in the special circumstances of this year. In normal times we had the policy of temporary establishments. In fact we were thankful to the Government for that as the expenditure was not a permanent recurring one. But now, we must see whether so much is required. We must certainly try and make both ends meet and now we should ask the question whether this year it is possible for us to spare so much amount for the purpose for which the amount is wanted. If there had been a thorough checking over these officers on the work turned out there may be no necessity at all for any work being left in arrears. Now these officers must be asked to give up their habitual love for ease and they must be asked to do their work more expeditiously. As a special case for this year they should be asked to work hard so that they may next year be deserving of better treatment if our finances are ample. This reduction is therefore very reasonable."

Mr. O. TANIKACHALA CHETTIYAR :—" Sir, I beg also to support the amendment for the reduction. I have listened to the hon. the Revenue Member in support of the demand he made. It is Rs. 1,12,000 in excess of

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what was spent last year and he has referred to the fact that the amount spent last year was only less by reason of the fact that the Finance Member has sent round a circular to effect economy in expenditure in the present year. Last year about this time when we could not see any reduction in our incomes during the year we were not called upon to pay quite so liberally as we have been now asked. For, the figure in the budget for last year was 6,55,000 and immediately below that we find a figure of 2 lakhs and odd to be deducted as probable savings. No doubt it comes at the end of the whole of the establishment. Of course there could not be any saving in the permanent establishment; for even when people go on leave they get allowances. So it could only be the probable savings in the temporary establishments. Really what was asked for last year was Rs. 4,02,000. If in a normal year when we did not see any financial stringency an allotment of 4 lakhs was sufficient out of which we were able to save Rs. 50,000, there is no reason why in a lean year like this, which is acknowledged to be a year of very great stringency, we should not limit our expenditure to that of last year instead of exceeding the actual expenditure by 1 lakh. Having regard to the tendency to gradually increase this temporary establishment as well as to the financial stringency I think this motion should be passed."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I may perhaps inform the Council, Sir, that the actual figures for 1920–21 are Rs. 3,75,000 and the revised budget estimate figure for 1922–23 is Rs. 6,55,000. It is quite clear that so far as this is concerned the amount that was budgeted for 1920–21 was Rs. 3,75,000."

The hon. Sir LIONEL DAVIDSON:—"May I ask the hon. Member to look at the next item * 'Temporary additions to pay'? I presume a portion of the Rs. 6,49,000 so classed relates to the same charges."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I do not know all that. It may be temporary or anything else. I prefer to construe these figures in the way in which I do. And I venture to think that Sir Lionel Davidson's construction is not borne out by the fact that there are two entries and the one I referred to is temporary establishment. In the budget estimate for 1921–22 we have Rs. 6,55,000 and it is that we are dealing with. Therefore judged on the facts ——."

The hon. Sir LIONEL DAVIDSON:—"I thought it was a case of a temporary war allowance which had been merged in pay on the revision of the scale. Probably that is the reason why a corresponding entry of 'temporary additions to pay' does not appear below the item 'temporary establishments' in the budget for 1922–23."

The hon. the PRESIDENT:—"Unless the Home Member is prepared to state that authoritatively, he cannot very well find fault with the hon. Member for making an incorrect statement."

The hon. Sir LIONEL DAVIDSON:—"I cannot positively vouch for the explanation I have suggested, but if the suggestion is not taken into account, it is possible that the matter may not be properly appreciated by the House."

* At page 45 of the Civil Budget Estimate for 1921–22.

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12-15 p.m.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" So far as I am concerned, I have been dealing only with these figures, namely, with the actuals of 1920–21 under the head of temporary establishment for this purpose which is Rs. 3·75 lakhs and for the current year, i.e., for 1921–22 Rs. 4 lakhs and odd. Now the hon. the Revenue Member asks the Council to budget for Rs. 5·12 lakhs and therefore he is bound to tell us why he requires an additional sum of Rs. 1 lakh. He has told us that the amount was required for four purposes: firstly, to strengthen the taluk establishments for bringing patta transfers up to date. Naturally it is the work of the permanent staff. If the taluk establishment does not bring up these patta transfers up to date and if they ask for temporary establishment, the Government is too willing to oblige them by giving this temporary establishment, and so there is absolutely no justification for this. Secondly, my hon. friend proceeds to say that it was for strengthening the taluk staff during the heavy kist season. This is also I believe the legitimate work of the taluk establishment and there is absolutely no reason to budget for temporary establishment on this account. Then my hon. Friend proceeded to say that some establishment would be required for distributing loans in famine areas. My hon. Friend will be quite competent to ask for this when there is a likelihood of famine in the year to come and not to budget for temporary establishment for a famine which has not occurred."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" This establishment will be continued until all the allotments have been distributed and it is calculated that the distribution will not be finished before the 31st March this year."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Do I understand my hon. Friend to say that a part of this temporary establishment is required for the distribution of loans in connexion with famine works which are put down for the next year ? "

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" We have got the establishment already, Sir, and we are going to continue it."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" That is for famine work which is going to come ? "

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I was speaking of the distribution of loans and I did not say anything about the famine work."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" If it is distribution of loans in famine-affected areas, then I do not see any justification for this."

The hon. Sir CHARLES TODHUNTER :—" May I explain, Sir ? I think the position seems fairly clear. A very large number of applications for loans have been received and we cannot discharge the staff which is to dispose of that large number of applications."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" The last item which the hon. the Revenue Member mentioned was that some portion of this temporary establishment is required for bringing up the taluk records in accordance with the settlement proposals. Even with reference to this, I believe in a year such as this my hon. Friend should persuade the taluk

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establishment to do a little more work than they normally do and I think that he would do well to cut out the whole allotment and that if necessary he should come to us with a supplementary estimate budgeting for some temporary establishment. I therefore strongly support this motion for reduction."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Sir, I think, I should draw the attention of the House to one figure in the budget. The figures for last year and the year before included the leave allowance and the figures that were quoted by my hon. Friend, which were for both the whole establishment and leave allowance amounted to Rs. 2·78 lakhs in 1919–20 and about Rs. 3·8 lakhs for 1920–21 and in 1921–22 it comes to Rs. 4·02 lakhs. Now the provisions that are sought to be made are Rs. 5·12 lakhs for establishment and Rs. 57,900 for leave allowances. If you take these two together it comes to Rs. 5·70 lakhs. Even comparing this with the provision made in the last year's budget, there is a difference of over Rs. 1·50 lakhs. So, I beg to submit, Sir, that the figure that is sought to be reduced by my hon. Friend Mr. Ramachandra Rao may be easily reduced even if we take into account the figure for the last year. When we have got a stringency and our motive is for making a reduction, I think we can afford to make this reduction."

Mr. T. E. MOIR:—"Sir, I am sure the Finance Department has dealt fairly clearly in this matter. As has already been stated a considerable reduction was made under these heads by the Revenue Department, and in view of the financial position, the Finance Department made further considerable reductions to which the Revenue Department reluctantly, and justifiably reluctantly, consented, because there is a limit to reductions when a provision represents measures which are essential in the interests of good administration. So far as one particular item, to which the hon. Member Mr. Ramachandra Rao referred, viz., the question of patta transfers, is concerned it appears to me that one claim which the ryot can make on the Government is that his position in respect of his patta should be made secure. I think it is an undoubted fact that in recent years the number of applications for patta transfers has greatly increased, and it is surely the duty of the State to meet the demand of the ryots under this head. It does in many ways make a great deal of difference to a ryot when his possession of a patta is accurately recorded in the accounts. The main objection that has been urged against the budget provision is however in respect of the work to be done in taluk offices in connexion with the maintenance of village accounts. Here I may say that the entry of temporary establishments in this year's budget does not in the least mean, as some hon. Members seem to think, a measure to give relief to officers who are already there to do the work. It represents additional work that has to be done, but for which the Government have steadily refused to make the establishment permanent on the ground of cheapness, though they have to be carried on from year to year. It is thus a measure of cheapness and not a measure of extravagance. But the work they do is essential it the administrative work of the department is to continue.

"It is asked why these items should not lie over and why we should spend money on them when we are hard up. Having been a Settlement officer myself for many years—I am afraid it is a good many years ago now—I think I can speak with some authority on the amount of work that is cast on the revenue establishments as a result of a resettlement. It is a work that cannot possibly be done by the ordinary establishment. I know personally the amount of work devolving on settlement parties in bringing the village

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accounts up to date and also the immense amount of work that in its turn is cast on the taluk establishment. For this, as I have said, the ordinary permanent establishment is not sufficient.

"Mention has been made of the fact that last year the Revenue Department for some unexplained reason budgeted for a certain sum but was able to cut down its expenditure to 4 lakhs."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"I beg to point out that in the last year the figure was Rs. 6·55 lakhs, but that figure with the reduction of Rs. 2·02 lakhs under probable savings came to 4 lakhs and odd."

The hon. Sir LIONEL DAVIDSON :—"The hon. Member has taken the total of Rs. 2·02 lakhs as probable savings under this head. The saving is under a much larger number of items."

Mr. T. E. MOIR :—"These savings were effected, partially as the hon. the Revenue Member has pointed out, in response to the appeal for retrenchment but they were mainly due to the fact that owing to the state of the season the settlement operations in the Bellary and Anantapur districts were postponed, so that the Finance Department got the benefit not only of the very ready response of the Revenue Department to the appeal for economies but also of the purely accidental causes which led to the postponement of settlement operations. It will however be necessary next year that these settlement operations should be resumed, and we trust that no further seasonal causes will interfere with the work. It will then be necessary to supplement the normal operations of the Settlement department by similar operations on the part of the Revenue establishment. I think the House might accept the assurance of the hon. the Revenue Member that wherever savings are possible they will be effected and I trust the House will not attempt to embarrass the Revenue Department in their efforts to carry out their very necessary operations by refusing the necessary machinery or funds or by forcing them for no good reason to the necessity of coming before this House for further demands from time to time. When the demands on which the existing provision of funds were made, the Finance Department certainly paid due regard to economy on the most rigid lines, but at the same time on financial grounds recognized the need for keeping the revenue accounts and the village accounts up to date. If these operations are postponed, we shall simply be piling up heavy arrears and postponing to a future date heavy unavoidable claims for expenditure on measures, such as resurveys and the revision of adangals and in order to make good later on, we shall be put to the necessity of expenditure on a very much larger scale than the proposals which have been put forward by the Revenue Department."

The hon. Sir CHARLES TODHUNTER :—"Sir, I think it is due to the Council that I should say something in reply to the complaint that has been made of the absence of information in regard to this item as given in the budget. I am not able to plead guilty to the charge that has been made against the Finance Department of supplying no information or flooding the Council with unintelligible statistics by themselves. The Council have before them a budget of about 250 pages. They have printed notes of about 80 pages containing explanations. I have here another volume of nearly a thousand pages of notes on the same matters. I can quote the members of the Finance Committee as witnesses to the fact that I have flooded them with literature, with statistics, with notes, all of which I venture to say they have

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not entirely digested. They have complained on more than one occasion that I have given them more than they had time to digest. Meanwhile we have eliminated lump grants wherever it was possible to do so and in regard to the few that we have had to put in I do venture to urge that the Council should give some weight to the scrutiny of the members of the Finance Committee whom they have constituted their watchdogs over the Finance Department.

"It has been stated that we promised last year to refer lump grants to the Finance Committee and it has been suggested that we did not carry out that promise. I am not going to quote from the proceedings of the Finance Committee, but I may say we printed this volume of 30 pages of notes upon these lump grants and laid them before the Finance Committee, who went through them in detail. I do venture to say to the Council that they have a very efficient body in the Finance Committee and that anything that passes them needs little further examination, and it is rather hard to complain that we are giving them insufficient information when we have given to their elected committee all the information that there is to give.

"As regards this one lump grant, the details were in fact among the papers furnished to the Finance Committee. I have here in my hand a list of the temporary staff covering eleven pages of print. The work which they do is of various sorts. I will give just a few instances. One is the man who translates Acts into Oriya in the office of the Collector of Ganjām; another is a man who maintains accounts of transactions connected with village services in proprietary estates. Then there are men who deal with mica work in Nellore."

12-30 p.m.

Diwan Bahadur M. Ramachandra Rao Pantulu :— "Does the list refer to the whole temporary establishment?"

The hon. Sir Charles Todhunter :—"This is a list of all the establishments included in this particular lump grant. Besides the staff doing mica work in Nellore there are others doing work in connexion with the enhancement of the peshkash in permanently settled estates, those assisting assistant collectors under training—these will go out as soon as the assistant collectors take charge of regular work, those attending to work under the Madras Estates Land Act, to the localisation of irrigable areas and so on. The list forms a little budget of its own and if I had added every item contained in the list, the bulk of the budget would have been far greater than it is at present. I think the proper people to examine the list are the members of Finance Committee. As I said, I do not know whether they actually examined the list or not. But I may venture to say that we have satisfied them that we are vigilant in the matter of making any reductions that could be made. We have already cut off a large number of the temporary men and if we are going to cut out any more, as Mr. Moir has said, we shall only leave the work undone and pile it up so that when it does have to be done much difficulty will be felt in doing it and probably they may result in a considerable loss of revenue. I have however been through this list again with a view to seeing in the light of the remarks that have been made whether there is any further expenditure that could be postponed. The result of my scrutiny is that we might at a pinch postpone expenditure to the amount of another Rs. 30,000 or Rs. 40,000, but that to do so would seriously cripple the activities of the department."

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Diwan Bahadur R. Venkataratnam Nayudu moved the closure which was carried.

The motion was then put and a poll was taken with the following result :—

Ayes.

1. Mr. K. Adinarayana Reddi.
2. Dr. M. Appalanarasayya Nayudu.
3. Mr. R. Appaswami Nayudu.
4. Rao Bahadur V. Appaswami Vandayar.
5. Diwan Bahadur C. Arunachala Mudaliyar.
6. Rao Sahib S. Ellappa Chettiyar.
7. Rao Bahadur P. C. Etirajulu Nayudu.
8. Rao Bahadur K. Gopalakrishnayya.
9. Rao Bahadur T. Balaji Rao Nayudu.
10. Rao Bahadur T. A. Ramalinga Chettiyar.
11. Mr. C. Ramalinga Reddi.
12. Mr. O. Tanikachala Chettiyar.
13. Mr. W. Vijayaraghava Mudaliyar.
14. Mr. J. Kuppuswami.
15. Mr. B. Muniswami Nayudu.
16. Mr. A. T. Muttukumaraswami Chettiyar.
17. Mr. V. Pakkiriswami Pillai.
18. Mr. P. T. Rajan.
19. Rao Bahadur A. Ramayya Punja.
20. Mr. K. Sarabha Reddi.
21. Mr. W. P. A. Saundara Pandia Nadar.
22. Mr. K. Sitarama Reddiyar.
23. Mr. T. Somasundara Mudaliyar.
24. Mr. N. A. V. Somasundaram Pillai.
25. Mr. A. Subbarayudu.
26. Mr. P. Subbarayan.
27. Mr. T. C. Tangavelu Pillai.
28. Mr. V. C. Vellingiri Goundar.
29. Mr. P. Venkatasubba Rao.
30. Diwan Bahadur R. Venkataratnam Nayudu.
31. Diwan Bahadur M. Ramachandra Rao Pantulu.
32. Diwan Bahadur M. Krishnan Nayar.
33. Mr. C. V. Venkataramana Ayyangar.
34. Sriman Biswanath Das Mahasayo.
35. Mr. S. Muttumanicka Achari.
36. Rai Bahadur T. M. Narasimhachariu.
37. Rao Bahadur C. V. S. Narasimha Raju.
38. Mr. K. V. Ramachari.
39. Rao Sahib U. Rama Rao.
40. Sriman Sasi Bhushana Rath Mahasayo.
41. Mr. M. R. Seturatnam Ayyar.
42. Mr. M. Suryanarayana Pantulu.
43. Mr. S. Arpudaswami Udaiyar.
44. Mr. T. Arumainatha Pillai.
45. Rai Sahib C. M Mascarenhas.
46. Mr. A. T. Palmer.
47. Mr. K. Prabhakaran Tampan.
48. Mr. Abbas Ali Khan.
49. Mr A. D. M. Bavotti Sahib Bahadur.
50. Khan Sahib Muhammad Abdur-Rahim Sahib Bahadur.
51. Saiyid Diwan Abd-ul-Razaaq Sahib Bahadur.
52. Khan Bahadur Muhammad Usman Sahib Bahadur.
53. Mr. L. C. Guruswami.
54. Rao Sahib P. Venkatarangayya.
55. Sir M. C. T. Muttayya Chettiyar.

Noes.

1. The hon. Sir Lionel Davidson.
2. The hon. Sir Charles Todhunter.
3. The hon. Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. The hon. Mr. K. Srinivasa Ayyangar.
5. The hon. Mr. P. Ramarayaningar.
6. The hon. Rai Bahadur K. Venkata Reddi Nayudu.
7. The hon. Rao Bahadur A. P. Patro.
8. Mr. T. E. Moir.
9. Mr. F. J. Richards.
10. Mr. C. W. E. Cotton.
11. Mr. R. Littlehailes.
12. Mr. E. Periyanayagam.
13. Mr. R. K. Shanmukham Chettiyar.
14. Mr. A. Ramaswami Mudaliyar.
15. Mr. S. T. Shanmukham Pillai.
16. Rao Bahadur T. Namberumal Chettiyar.

Neutral.

Mr. A. Ranganatha Mudaliyar.

The motion was declared carried, 55 voting *for* and 16 *against*.

Motions 33 *to* 42.

The following motions were not made :—

Mr. R. Srinivasa Ayyangar :—

33. *To reduce the allotment of Rs.* 5,12,000 *for temporary taluk establishments by* 1 *lakh.*

Mr. C. V. Venkataramana Ayyangar :—

34. *To reduce the allotment of Rs.* 22,75,190 *for taluk establishments by* 2 *lakhs.*

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Mr. C. Ramalinga Reddi :—

35. *To reduce the allotment of Rs.* 3,25,000 *for travelling allowance by Rs.* 32,000.

36. *To reduce the allotment of Rs.* 3,25,000 *for travelling allowance by Rs.* 32,500.

Mr. T. Arumainatha Pillai :—

37. *To reduce the allotment of Rs.* 3,25,000 *for travelling allowance by Rs.* 32,000.

V21L32 N22

Dr. P. Subbarayan :—

38. *To reduce the allotment of Rs.* 3,25,000 *for travelling allowance by Rs.* 32,500.

N22.6;3

Mr. O. Tanikachala Chettiyar :—

39. *To reduce the allotment of Rs.* 3,25,000 *for travelling allowance by Rs.* 32,000.

Mr. C. V. Venkataramana Ayyangar :—

40. *To reduce the allotment of Rs.* 3,25,000 *for travelling allowance by half a lakh.*

Mr. R. Srinivasa Ayyangar :—

41. *To reduce the allotment of Rs.* 6,000 *for 'other contingencies' by Rs.* 4,350.

Mr. B. Muniswami Nayudu :—

42. *To reduce the allotment of Rs.* 44,12,900 *for charges of administration by Rs.* 18,000.

Motion 43.

Mr. A. Ranganatha Mudaliyar :—"Sir, I beg to move—

43. *To reduce the allotment of Rs.* 44,12,900 *for charges of administration by Rs.* 100.

"My object, Sir, is that by a redistribution of districts, divisions and taluks it is possible to effect some saving. One of the Members of Government observed that such an undertaking would be no easy task. It is so, I admit, and would be more so if I had asked him to undertake a redistribution of all the districts in the Presidency. But it must be within the hon. Member's knowledge that several new districts have been formed in recent years. New divisions have been added to the old ones and the same remark applies to taluks as well. Surely to revert to an order of things which existed till very few years ago is not quite the same thing as revising the boundaries of districts and divisions all over the Presidency. If we take the central districts alone, I think it will be possible to absorb one district at least. In Bellary district till very recently there were only four divisions, and I think one division has been added on. As regards the taluks, the hon. Member from Cuddapah observed that at least so far as his district was concerned there was one taluk too many. Several taluks have been taken away from Ganjām, Vizagapatam and other districts to form the Agency division. Is it not possible, I would like to know, so far as these three districts are concerned, to re-group them into two? Some of the taluks are really very small.

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I find the taluk of Proddatur, for instance, in the Cuddapah district consists of 64 villages, excluding 22 inam villages, Kamalapuram, of 62 exclusive of inam villages while the taluks of Dharmavaram and Madakasira in the district of Anantapur have 55 excluding 8 inam villages and 45 excluding 16 inam villages respectively. From my experience, Sir, I should say each of these taluks appears to be too small for one tahsildar to be in entire charge of it. It must be within the knowledge of Government Members that there are many taluks which consist of as many villages as are contained in any two of these. So, I think, Sir, there is a good deal of scope for a reduction in the existing number of taluks. In order to invite the attention of the Government in this direction, I have placed this resolution for the consideration of the House and by endorsing the resolution, the Council will approve of my idea and indicate the line of further action to be taken by the Government."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—

12-45 p.m. "Sir, the only definite answer that I can now give to the hon. Mover who has brought up this motion will be particularly in regard to the three districts of Ganjām, Vizagapatam and Gōdāvari to which, I think, he made pointed reference as affording opportunities for amalgamation of districts in view of the creation of a separate Agency division. The House will remember that a similar resolution was moved here by my hon. Friend in front of me, Mr. Narasimha Raju, and at that time I gave him the undertaking that I would postpone the bifurcation of the Kistna district and consult the Board of Revenue as to how the three districts named above and the district of Kistna could all be put into the melting pot and what districts of equal size could be carved out. The matter was very carefully considered by the Board of Revenue and it is now under the consideration of Government. So far as that is concered, Sir, it has not escaped the notice of Government at all.

"As regards the other matter of effecting a redistribution of districts here or amalgamating them there, I think it is a question which I cannot answer off-hand. If it is the intention of the House I would certainly undertake that investigation and try and find out whether there are any taluks in any of the districts which are too many. Of course reference has been made to the Cuddapah district to the effect that that district is one taluk too many. But I may at the same time draw the attention of the House that Kistna district is some taluks too few. It is in any case, Sir, a question which needs, I think, something like a careful investigation, and I shall be glad to do so when opportunity occurs.

"As regards Dharmavaram to which reference was made, Dharmavaram, as the hon. Member himself may know, was originally regarded as a very unhealthy taluk, and it had to be split up into Dharmavaram and Kalyandrug taluks. These two taluks are of recent formation, and we cannot yet say whether the bifurcation was justified or not.

"On the whole, Sir, I shall bear in mind the suggestion made by the hon. Mover, and if there was any possibility of reduction of expenditure, let me assure the House, with all the sincerity that I am capable of, that I have, during the course of the current year, carried out every possible retrenchment, as the figures in the budget will show, and I am actuated by no less a motive of economy than the hon. Members of this House, and if there is any possible source of economy, I promise to the House that I shall not hesitate to effect it."

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Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, the hon. the Revenue Member has made a reference to the redistribution of the Ganjām, Vizagapatam and Gōdāvari districts. I think, Sir, that whatever proposals the hon. the Revenue Member has in regard to these matters, he would do well to publish them before the Government come to any final decision. These are matters of extreme importance."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Under the rules, Sir, all proposals for redistribution of districts or taluks are published in the local gazette for objections, if any, before a final decision is reached."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I am glad to have that assurance, Sir, but I may inform the hon. the Revenue Member that it has been stated that it is proposed to redistribute Kistna in such a manner as to re-transfer some of the taluks of the Gōdāvari western delta to the Gōdāvari district, thus breaking up the unity of the Gōdāvari western delta."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"We need not go into the details now, Sir, inasmuch as I have already stated that the proposals will be published and the House will have an opportunity of considering them."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I do not wish to make any further remarks, Sir, and I should be satisfied if the proposals are published in the gazette before the Government come to any conclusion."

The hon. Sir CHARLES TODHUNTER :—"Sir, may I in the interest of economy deprecate this proposal? A roving inquiry into the revision of all the district, taluk and divisional limits in the Presidency will inevitably be a very lengthy and expensive matter. In my old district of Madura, the proposals for breaking it up began, I think, in 1901, and they are still arguing about the division of the district. Further than that, I think that anything like a roving enquiry would bring to light grievances all over the Presidency, and that the net result would be pressure on every hand not for reduction in the number of charges but for increase in many directions."

Mr. A. RANGANATHA MUDALIYAR :—"Sir, nobody suggested that all this should be done by a roving enquiry, and so any reference to a roving enquiry is, I think, irrelevant for my purpose. All that I asked this House was to say that the Government should try, wherever it is possible for them to do so, to reduce the number of divisions and taluks. Of course the hon. the Revenue Member says that he will bear that request in mind and do as much as he can. But what possible objection can he have to the House recording that opinion, so that it may be always before him for his guidance? I should like to remind the House in this connection that this is not the old Council where the official majority was always standing against the non-official minority, and I do not see any reason whatsoever why non-official members should hesitate to press their resolutions because now the questions will be decided really by the non-officials of the House. I would rather like that this resolution should go before the House for a division with a view to have an opinion recorded thereon."

The motion was put to the House and lost.

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Motion 44.

The following motion was not made :—

Rao Bahadur C. V. S. NARASIMHA RAJU :—

44. *To reduce the allotment of Rs.* 20,925 *for assistant directors by Rs.* 100.

Motion 45.

Mr. C. V. VENKATARAMANA AYYANGAR :—" I move, Sir—

45. *To reduce the allotment of Rs.* 20,925 *for controlling office assistant directors by* 6,000 (*abolition of one out of four posts*).

" First of all, Sir, I may say that the proposed reduction, if it is made, will bring the establishment to what it was during the current year. Reference has been made by the hon. the Revenue Member that though some reductions were agreed upon last year, those reductions could not be made this year. If we look into the figures, we are unfortunately in a very much worse position this year than we were this time last year. The opening balance for the last year was 58 lakhs, and only a small deficit of about 30 lakhs was expected. So that at the time when we were discussing the last year's budget we were under the impression that even granting a deficit of 30 lakhs, we would still have an opening balance. But, unfortunately, things have so far gone very badly, and instead of having some closing balance on hand we are expecting to have a large deficit of a crore of rupees as a result of last year's transactions. Next year, even in spite of about 70 to 80 lakhs by way of additional taxation, we are expecting to have another deficit of 22 lakhs, even without the hon. the Revenue Member's kindly fulfilling his undertaking—I do not say promise—to give increased pay to village headmen. Therefore, it is quite necessary to see that our position next year is not worse, so far as the finances are concerned, than the current year. In the current year there are only three assistant directors, and there is no reason why we should have four during the next year. We are now having an additional post of photographing and printing expert on about Rs. 500 or so, which we did not have during the previous year. So that, strictly speaking, during the last budget discussion, when we reduced one assistant director out of what we had in the previous year, we sanctioned a person on a higher pay. Therefore, if we are going to have the same figure for the coming year also as for the current year, so far as the number of heads are concerned, we will be in the same position in which we were last year. We know that on account of a resolution passed in this House, settlement operations were practically to be very much curtailed and therefore there will be no need to rush on with survey work. After all, we are only dealing with the controlling office, and you will see, Sir, there is also a large sum under temporary establishment of one lakh of rupees lower down. So that if the Government find it absolutely necessary to have an additional hand like this in the controlling office, and if there is extra work, certainly they can take the necessary money out of the one lakh of rupees that has been provided. Therefore it cannot be said that we are going backwards, and the hon. the Revenue Member cannot say that his position will be in any way worse than in the current year. I have put the figure Rs. 6,000 only as a rough estimate, and the reduction can be effected by taking away the new post and not touching any of the old posts. Therefore, Sir, considering

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that our position in the coming year is financially to be much worse than in the current year, I think the hon. the Revenue Member will agree to this reduction, so that we may have some reductions at least."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"It is not the fact, Sir, that any provision has been entered in the next year's budget for an additional officer, but it is merely the entry of provision in the next year's budget for the sanctioned cadre of the Survey Department as approved by the Secretary of State. His sanction extended in respect of 15 officers, as forming the permanent cadre of that Department. They consist of one Director of Survey, two officers at the Central Survey office, ten officers for parties—we have got five parties in operation, and that is at the rate of two officers for each party—and two as leave reserve. In the Central Survey office we have got two officers employed: one is in charge of the office, and the other is called an assistant. The other two officers of whom mention has been made constitute the leave reserve. The one that is now referred to should either be eliminated from the office from among the two who have been there for years past and who, on account of the bulk of the work in that office, cannot be abolished, or the leave reserve sanctioned by the Secretary of State as representing two for the entire cadre should be reduced by one. Neither of these proposals, Sir, is at all feasible. For, it is not the case that I have provided for any additional hand over and above the sanctioned cadre, or that he is intended to meet anything like special emergencies. I think I heard one hon. Member say that in view of a resolution passed by the Legislative Council, all settlement operations have been curtailed. I am at a loss to know which resolution it is that he is referring to. The only resolution that was brought forward before this House, and which was passed, was the one asking us not to give effect to re-settlement schemes pending the passing of legislation on the lines of the Joint Parliamentary Committee's recommendation. The Council has subsequently changed its mind and asked for permanent settlement. One cannot say as to when that would become a realized hope. In the meantime, the settlement operations have to go on. They cannot be suspended in anticipation of a change of policy which is subject to sanction not merely of this Government, but of the Secretary of State as well. We cannot, therefore, halt until that policy is enunciated in due time. The settlement operations have therefore to go on. On the other hand, Sir, during the next year we expect the settlement operations to be in fuller swing than they have been either in the past year or in the current year, because several of the schemes are ready for introduction in the next year and the work must thus go apace. I repeat that this officer to whom reference has been made is intended to constitute the leave reserve sanctioned by the Secretary of State.

"Inasmuch as on the strength of the sanction accorded by the Secretary of State to the full cadre to be employed in the Survey Department we have filled up the places, the officer is there now doing his duty. What are we to do with him? He has been absorbed as part of the permanent establishment. Orders on this matter were issued by the Madras Government and published through the Publicity Bureau for the information of the public in this province. One of the paragraphs in that order which was published through the Publicity Bureau refers to the scheme sanctioned by the Secretary of State. It stated that the strength of the Survey Department will be fifteen officers, viz., one Director

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of Survey, two officers of the Central Survey office, ten officers for the five survey parties, two officers on leave reserve with the addition of two officers on a temporary basis for the control of the sixth party. This information as I stated was published for the information of the public through the Publicity Officer on the 22nd August 1921. The full staff is now under employment and I ask which of these officers should now go. If you are going to abolish any one of these officers are you not going to incur the liability of paying compensation to him as we have appointed him permanently under the orders of the Secretary of State? Then, Sir, what is the real situation? The two reserve officers are always engaged to take up the place of officers who go on leave. When any officer goes on leave the officer who is borne on the leave reserve is posted to take up that work without any additional expenditure. Viewed from any standpoint, the carrying out of the proposal appears on the face of these facts rather impossible. Therefore I am sorry I cannot accept it."

Rai Bahadur T. M. NARASIMHACHARLU :—"As one who has given notice of a similar motion, I submit that the reasons given by the hon. the Revenue Member are not at all satisfactory. He says that for a cadre of fifteen gentlemen there should be two persons to serve as leave reserve."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I did not say there should be. That is the sanctioned strength fixed by the Secretary of State."

Mr S. T. SHANMUKHAM PILLAI :—"May I know whether the sanction of the Secretary of State is for leave reserve? Is it not possible to utilize the services of the other officers?"

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I am not prepared for a cross-examination on this point."

Rai Bahadur T. M. NARASIMHACHARLU :—"I submit, Sir, that the two persons are quite unnecessary. One is quite enough. If the officer had been appointed already in August, I think, Sir, the Government have appointed him knowing that the sanction of the Council is necessary for the employment of that additional officer. Therefore it is not an answer to say that the man is already employed and therefore let him continue. Then I have got another doubt. Supposing these officers are there, what are these two reserve officers doing?"

The hon. Sir CHARLES TODHUNTER :—"May I point out that there are two officers on leave? Therefore there is nobody supernumerary now at all."

Rai Bahadur T. M. NARASIMHACHARLU :—"It is the keeping of these two officers that tempt others to go on leave. Therefore if you keep one only, one at a time will go on leave. At a time when we are pinched very much by want of money I think, Sir, for a small department like that to have two officers for the leave reserve is a little extravagant. I therefore submit that we can get on with one of them for the coming year. It is said that we have to give compensation allowance for them if they were to go. I say it is not at all necessary; because they could easily be reverted to the departments from which they were taken. I therefore submit that it is quite unnecessary to have these additional gentlemen here for the current year."

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Diwan Bahadur M. KRISHNAN NAYAR :—"In view of what the hon. the Revenue Member has said, I think the Council will be well advised in voting against this motion. The hon. the Revenue Member has explained at length the reason for this one additional appointment that has been made, and after all it is only one appointment that has been made. No doubt my friend Mr. T. M. Narasimhacharlu says that the Government knowing that the sanction of the Council was necessary for this appointment ought not to have made it in anticipation of the Council's sanction. No doubt in the abstract it is a very sound argument. If, on a consideration of the merits of the question, we now find that the appointment was really unnecessary, then, though it has been made, it is open to this Council to vote against it. But on a consideration of the merits of the question, the appointment is a sound one. So that there is no harm in Government having anticipated the sanction of the Council. I think, Sir, there is no need to cancel this appointment and therefore this motion in the interest of public services may be voted against."

Rao Bahadur T. BALAJI RAO NAYUDU :—"I find in page 37 of the budget that there is an increase of three assistant directors and not one. Further we were told that two officers were placed as leave reserve officers. I think it is really too much. At this rate each department should have hundreds of officers as reserve officers. I think the reduction of one assistant director is reasonable."

Mr. A. RANGANATHA MUDALIYAR :—"I should not have interfered in this debate but for the fact that the hon. the Revenue Member alluded to settlements. He said, Sir, that this Council did pass a resolution that schemes of resettlement should not be introduced or given effect to pending legislation on the lines indicated in the report of the Joint Committee Then he went on to say that the House had changed its mind as regards that by a subsequent resolution regarding permanent settlement. Is he really serious, Sir, in saying that because the House passed the second resolution it had changed its mind as regards the first, viz., that resettlement schemes should not be brought into operation till satisfactory legislation was carried out. If the hon. the Revenue Member feels that he could not bring a permanent settlement Bill, the only alternative left to him is to bring his original Bill as a temporary measure. I do not think it right that the opinion of the House deliberately expressed should be treated in the way—I think, somewhat light way—which the hon. the Revenue Member proposes to do."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I will be very brief, Sir. At the time of the last budget on account of the figures given by the Government themselves the number was reduced to three and probably to use the words of the hon. the Revenue Member, it was not fair to the House to have the number increased to four. Now, is it fair for the hon. Member to have introduced another one in the course of the year without consulting the House? He says: I have got it according to the list of the sanctioned cadre. I request Government Members not to refer to the sanctioned cadre at all. It was fixed at a time of panic. If only all the sanctioned appointments were made you will have to spend on appointments 12 crores of rupees. So far as the leave reserves and other things are concerned if you take the quarterly civil list you will see that there are more persons in reserve than is necessary to act for persons going on leave.

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Therefore if one person is not found sufficient to cover the leave reserve at any time, one appointment may be vacant for a short time. There is one other thing. There is the danger of having too much of leave reserves. Take, for instance, the Forest Department. If you see the quarterly list you will see that there are a number of persons without work and you will see that there are a number of people shown as assisting others because there is no vacancy for them to fill temporarily. In a year which was fairly better the House and the Government thought that three people would be sufficient. To say because it comes within the sanctioned cadre we appointed him and you should shut your mouth is not in the least fair. Therefore I will press this motion."

The hon. Sir CHARLES TODHUNTER :—" May I explain the technical points in this motion, Sir? First of all, I should like to say that if the hon. Member who has just now spoken will come to my room and show me the names of the officers who have no work to do, I will show him what work they have been doing."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I never said that they are without any work. They will be put in as assistants to some officers."

The hon. Sir CHARLES TODHUNTER :—" The only department in which I think, there is anything like an excess is the Public Works Department and that is due to the special orders passed by the Secretary of State which makes a man an Executive Engineer after a certain number of years' service whether there is a charge ready for him or not. That is by the way. In the other departments, I think you will find generally that there is a shortage of officers. May I say with regard to this particular case that the proposals for the revision of the survey establishment has been under consideration since the year 1914, when Mr. Stuart's Committee sat? The number of officers sanctioned in the old scale was 17 altogether, of whom 2 were probationers and 15 permanent men. The staff was short for several years. The Superintendent of Survey then wrote to the Government saying that his department had been on the verge of a breakdown for a number of years past and that it was a matter of great anxiety to him to know how he was to carry on the work when there were a number of senior officers retiring without anybody coming on to take their places. Proposals were then sent to the Secretary of State and his sanction to a revision scheme was received in 1921, so that what is happening is that we are applying the sanction given to proposals which were before him at the time when the reforms came into force. If I recollect rightly, these have been placed before the Finance Committee and there is a further note which has yet to come before them. There has thus been no attempt to put into the budget sanctions for appointment without coming before the Council for the exercise of their powers in the matter. At the same time, there has been no increase in the number of appointments. There has been simply a revision of the pay of the men employed. There are two temporary men actually employed, whom the Secretary of State recruited because they are needed for employment on estate work. Three men are now employed on estate surveys and are paid by the estates. That, I hope, will to some extent reconcile the Council to this provision, because on account of these three men there is no payment of provincial revenue. As regards the provision for a leave reserve, I shall be very glad to show to the hon. Member the authority for the calculation on which it is based. That is worked out upon the average amount, not on the total amount, of leave the officers can

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take. If the leave reserve were reduced by half, that would mean reducing by half the amount of leave to which officers are entitled."

1-15 p.m. A poll was taken with the following result :—

Ayes.

1. Mr. K. Adinarayana Reddi.
2. Dr. M. Appalanarasayya Nayudu.
3. Mr. R. Appaswami Nayudu.
4. Rao Sahib S. Ellappa Chettiyar.
5. Rao Bahadur P. C. Etirajulu Nayudu.
6. Rao Bahadur K. Gopalakrishnayya.
7. Mr. S. T. Shanmukham Pillai.
8. Rao Bahadur T. Balaji Rao Nayudu.
9. Mr. K. Kandaswami Kandar.
10. Mr. J. Kuppuswami.
11. Mr. V. Pakkiriswami Pillai.
12. Rao Bahadur A. Ramayya Punja.
13. Mr. K. Sarabha Reddi.
14. Mr. T. Somasundara Mudaliyar.
15. Mr. N. A. V. Somasundaram Pillai.
16. Dr. P. Subbarayan
17. Mr. T. C. Tangavelu Pillai.
18. Mr. V. C. Vellingiri Goundar.
19. Mr. P. Venkatasubba Rao.
20. Diwan Bahadur R. Venkataratnam Nayudu.
21. Diwan Bahadur M. Ramachandra Rao Pantulu.
22. Mr. C. V. Venkataramana Ayyangar.
23. Sriman Biswanath Das Mahasayo.
24. Rai Bahadur T. M. Narasimhacharlu.
25. Rao Bahadur C. V. S. Narasimha Raju.
26. Mr. K. V. Ramachari.
27. Rao Bahadur Dr. C. B. Rama Rao.
28. Rao Sahib U. Rama Rao.
29. Mr. A. Ranganatha Mudaliyar.
30. Sriman Sasi Bhushana Rath Mahasayo.
31. Mr. M. R. Seturatnam Ayyar.
32. Mr. M. Suryanarayana Pantulu.
33. Mr. T. Arumainatha Pillai.
34. Mr. K. Prabhakaran Tampan.
35. Mr. A. D. M. Bavotti Sahib.
36. Khan Sahib Muhammad Abdur Rahim Khan Sahib.
37. Saiyid Diwan Abdul Razaaq Sahib Bahadur.

Noes.

1. The hon. Sir Lionel Davidson.
2. The hon. Sir Charles Todhunter.
3. The hon. Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. The hon. Mr. P. Ramarayaningar.
5. The hon. Rai Bahadur K. Venkata Reddi Nayudu.
6. The hon. Rao Bahadur A. P. Patro.
7. Mr. T. E. Moir.
8. Mr. F. J. Richards.
9. Mr. C. W. E. Cotton.
10. Mr. R. Littlehailes.
11. Mr. E. Periyanayagam.
12. Mr. R. K. Shanmukham Chettiyar.
13. Mr. A. Ramaswami Mudaliyar.
14. Mr. O. Tanikachala Chettiyar.
15. Mr. W. Vijayaraghava Mudaliyar.
16. Mr. C. Natesa Mudaliyar.
17. Diwan Bahadur M. Krishnan Nayar.
18. Mr. S. Muttumanicka Achari.
19. Mr. S. Arpudaswami Udaiyar.
20. Mr. Abbas Ali Khan
21. Mr. M. C. Raja.
22. Mr. L. C. Guruswami.
23. Rao Bahadur T. Namberumal Chettiyar.

The motion was carried and the reduction made, 37 voting *for* and 23 *against*.

Rao Bahadur T. Balaji Rao Nayudu :—"I beg to submit that the arrangement made in regard to making these motions presents some difficulty. The items are not arranged either in the order of pages of the budget or in the order of their receipt. At page 8 there is my motion No. 116 for the reduction of the total allotment of Rs. 11,02,800 for survey and settlement. If this item is taken up first, it will be very easy to dispose of the minor items, instead of voting on all the smaller items first and then going to the bigger item."

The hon. the President :—"I fear I cannot just now engage in a discussion on the proper form of the agenda with the hon. Member. If the hon. Member puts in writing what he has to say, I will carefully examine the question. Under the standing orders the preparation of the agenda is in the hands of the Secretary, who acts according to well-understood rules. Till it is shown that the Secretary has wrongly exercised his discretion, we must take his procedure to be right. In any case, it is not a matter to be discussed now."

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Motions 46 *to* 52.

The following motions fell through, being identical with the previous one which has been disposed of :—

Rai Bahadur T. M. NARASIMHACHARLU :—

46. *To omit one assistant director out of four.*

Rao Bahadur C. VENKATA RANGA REDDI :—

47. *To reduce the allotment of Rs.* 20,925 *for four assistant directors by Rs.* 5,230.

The following motions were not made :—

Rao Bahadur C. V. S. NARASIMHA RAJU :—

48. *To omit the allotment of Rs.* 1,200 *for charge allowances.*

Mr. K. SARABHA REDDI :—

49. *To omit the allotment of Rs.* 1,200 *for charge allowances.*

Rao Bahadur C. V. S. NARASIMHA RAJU :—

50. *To reduce the allotment of Rs.* 27,822 *for managers by Rs.* 100.

Rao Bahadur C. VENKATA RANGA REDDI :—

51. *To reduce the allotment of Rs.* 1,00,000 *for temporary establishments in revenue survey and settlement by Rs.* 50,000.

Mr. K. SARABHA REDDI :—

52. *To omit the allotment of Rs.* 1,236 *for personal allowance under lithographic department.*

Motion 53.

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, I beg to move formally—

53. *To reduce the allotment of Rs.* 2,07,394 *for establishments by Rs.* 20,000.

" I thought that this would only be a necessary corollary to one officer being taken away. The Council has passed the previous motion to reduce the number of officers by one. So I think his establishment also must go away. So I have asked for a reduction of Rs. 20,000 which is only one-tenth of the total allotment."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I am sorry, Sir, that it is presumed that when the officer goes, necessarily some of the establishment which is imagined to exist under him also goes. I think the Council has definitely come to the conclusion that one of the four officers in the Central Survey office should be abolished. Two are in charge of the office and the other two on the leave reserve. It is not known whether one of the two officers falling under the category of those in charge of the Central Survey office or one of the two officers falling under the other category, should go. Neither of them when he goes will carry any establishment along with him. If one officer goes, the other officer will remain in charge of the Central Survey office and the whole establishment will have to remain. Similarly, the officers on leave reserve have no separate

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establishments under them. When their acting period is over, the officers in question revert to the Central Survey office and there is thus practically nothing to go away along with either of the officers who will have to go according to the decision of the Council."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I do not press the motion."

The motion was by leave withdrawn.

Motion 54.

Mr. B. MUNISWAMI NAYUDU :—"Sir, I beg to move—

54. *To reduce the allotment of Rs.* 5,000 *for travelling allowances by Rs.* 500.

"This amount is provided at page 37 of the Budget. Sir, this House has passed a resolution that the Government Order fixing the higher rate of travelling allowances should be modified and that reduced rates should be introduced. The hon. the Finance Member tells us that out of 73 lakhs forming the travelling allowances, he has reduced an amount of 10 lakhs of rupees. We want, Sir, that in accordance with the resolution that we have passed, a definite reduction must be made in the travelling allowances provided for first-class officers. Now against this item we find that in 1920–21 the amount was Rs. 4,600 which is the revised estimate, the budget estimate being Rs. 5,600. In the budget for 1922–23 Rs. 5,000 is provided. There is absolutely no reduction whatever. I only move that this House may cut it down by one-tenth. The Finance Member, no doubt, has told us, that he has reduced the travelling allowance of 73 lakhs by 10 lakhs. But we want more reduction. The resolution which we have passed recommends 25 per cent of reduction, which comes to 18 lakhs. I hope the House will adhere to the opinion which it has already passed and accept this motion."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, I understood the hon. Member to say that he is not at all very serious as regards the actual reduction which he has proposed. I assume that he will not press this motion inasmuch as the item referred to is after all so trifling that it will mean nothing either one way or the other. He probably raised this question with a view to find out what the Government intend to do on the question of travelling allowances as a whole. I think it is far beyond my own province to say anything definitely on that matter, for it is a matter which the hon. the Finance Member will have to deal with. But I merely invite the attention of the House to the speech of the hon. the Finance Member while introducing the budget for 1922–23. I would invite the attention of the House particularly to paragraph 18 of the speech where he has dealt with the question of travelling allowances exhaustively. The hon. the Finance Member says—

1-30 p.m.

'Accordingly the matter was laid before the Finance Committee with a view to concrete suggestions in the month of December, and it has been an item on the agenda ever since. The following concrete suggestions have been made :—

'(1) that the mileage rates of officers of the first-class be reduced from twelve to ten annas ;

'(2) that no officer should be allowed more than two railway tickets either in the first or in the second-class ; and

'(3) that the daily allowance of Rs. 10 and Rs. 7-8-0 should be reduced to Rs. 7-8-0 and Rs. 5.'

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"The hon. the Finance Member finally winds up by saying—

'The question is a very complicated one, and the proposals have not yet taken final shape, but I hope to have them ready for submission to the Finance Committee at their next meeting.'

"Therefore, Sir, the matter regarding, the rates of travelling allowance to be paid to officials, whether gazetted or non-gazetted, is engaging the attention of the Finance Member, and he hopes to seek the assistance of the Finance Committee as regards that question. In what direction the change is likely to be effected one cannot definitely say at the present moment. The rates that have been followed in the next year's budget are the rates that are now current. As regards the amount of Rs. 5,000 entered on behalf of the Director of Survey, I wish to point out that the Director of Survey has at the present moment the responsibility of supervising eight survey parties—five of them are permanent, one is temporary specially created for the Malabar and the Wynad, and two others have been specially created for the purpose of carrying on the surveys in estates. The Director of Survey is bound under the rules to visit every survey party not less than once a month, and he has to visit oftener if any question of importance occurs which necessitates his personal inspection. He has thus to travel throughout the province. He has necessarily to go personally to all districts where survey parties exist. He is not merely confined to headquarters; he has often to go on tour, in some cases to inspect the accuracy of the work done and check such work actually in the field, in several cases he has to go into the interior parts of the districts. The Director of Survey is an officer with presidency jurisdiction, and his duties are such as to demand almost a meticulous inspection of varieties of details which the survey party is responsible for, and under such circumstances the sum entered cannot at all be considered extravagant."

Mr. O. Tanikachala Chettiyar:—"Sir, I am obliged to the hon. the Revenue Member for drawing the attention of the House to paragraph 18 of the hon. the Finance Member's budget speech. I would also invite the attention of the House to certain passages in the same book and certain other passages occurring elsewhere over the signature of the hon. the Finance Member. I support this motion for reduction by 10 per cent because a principle is involved in this, and I think the principle ought to be accepted by the House. Though the amount involved in the motion is only Rs. 500, yet if the principle is recognized, we shall probably get a very large sum of money which will enable us to square the deficit—I am using the words with a full sense of consciousness of what they mean. For in a paper which has been given to us in the Finance Committee on 8th December 1921, it was stated that travelling allowances and contingencies in all departments——."

The hon. Sir Charles Todhunter:—"I wish to know, Sir, whether the hon. Member is in order in quoting a paper which was given to him in the Finance Committee and which has not been laid before the House."

Diwan Bahadur M. Ramachandra Rao Pantulu:—"I should like to point out to the hon. the Finance Member that every hon. Member of the Indian Legislative Assembly gets a copy of the proceedings of the Finance Committee along with the budget and other papers during the discussion of the Financial statement in the Assembly. In the present instance my hon. Friend Mr. Tanikachala Chettiyar, in discussing this motion for reduction, wants to supplement his discussion by information which ought to be

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published to this House. If that information is given the discussion will be much more satisfactory than at present. As it is the hon. the Finance Member was reading from his notes whatever portion he liked."

The hon. Sir CHARLES TODHUNTER :—" Sir, it was just because that objection was taken to my reading from my notes that I objected to other people reading from papers which had not been laid before the House."

The hon. the PRESIDENT :—" Under what rule was the Finance Committee appointed ? "

Diwan Bahadur M. KRISHNAN NAYAR :—" It is not appointed under any rule or standing order."

The hon. the PRESIDENT :—" I think the Finance Committee has been appointed under a resolution of this House. I am speaking from memory. I believe the bulk of the members have been elected by the House, and that a few, who were also members, have been nominated by the Government. The Finance Committee is a committee of this House. Unless I hear cogent reasons to the contrary, I should not be prepared to give a ruling that the proceedings of the Finance Committee, which is a committee of this House, should be as it were a sealed book to the House. Some of the hon. Members, I fear, are confusing this matter with the ruling that I gave the other day that public documents should not be referred to by members of the Government unless the Government are prepared to place them on the table."

The hon. Sir LIONEL DAVIDSON :—" No, Sir, unless they are of a confidential nature."

The hon. the PRESIDENT :—" I think I stated that it was open to any hon. Member to object to a public document being referred to without the same being placed or offered to be placed on the table of the House. I also stated the other day—it was with reference to the hon. the Home Member—that there was nothing to prevent the Member from using a document of a confidential nature without actually reading from that document. Now, I do not go back upon that ruling, namely, that public documents, if they are to be quoted by the Government and relied upon by the Government, should, in all fairness to the House, be made available to the latter. I do not think that I have even passed a ruling that proceedings of the Finance Committee should be treated as an ordinary public document in the sense that it should be laid on the table of the House if it is to be relied upon."

The hon. Sir CHARLES TODHUNTER :—" Might I ask that the question whether the proceedings of the Finance Committee should be placed before the House should be deferred ? It is a large question on which there are precedents on both sides, and I should venture to deprecate any attempt to decide the question off-hand. Why I took the present point of order is this : On a previous occasion, I began to read a statement made by the hon. Mr. Ramalingam Chettiyar in the Finance Committee, and the hon. Mr. Ramachandra Rao Pantulu objected to my reading therefrom on the ground that the note had not been placed before the House. You ruled me out of order, Sir. In the present instance, another member of the Finance Committee is reading from another paper placed before the Finance Committee and not placed before the House. Pending any decision on the main question I venture to think that your previous ruling holds good."

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The hon. the PRESIDENT:—"I remember the incident which occasioned my previous ruling. I believe that, when the hon. Member Mr. Ramachandra Rao objected to the hon. the Finance Member reading from the proceedings of the Finance Committee, the hon. the Finance Member immediately accepted that objection. He accepted it off-hand, and did not wait for a ruling from me supporting the hon. Member Mr. Ramachandra Rao. That is my recollection. We can refer to the matter later on; let me say that I entirely agree with the hon. the Finance Member that I should not decide off-hand under the impulse of the moment, nor should the House ask me to do so. I cannot off-hand pass a ruling as to the position of the Finance Committee, whether its proceedings should be treated as confidential and should be kept from the House or whether the House could not insist upon the proceedings being made available to it. The Finance Committee is not, after all, a departmental body, but it is only a committee of this House. This is a wide and difficult question which has to be carefully considered. I would advise the House not to go into the question just now, and I would also beg of the House not to ask me to go into the question now. But it would be difficult for us, as we are dealing with the finances of the province, to enforce any ruling to the effect that the Finance Committee should not be quoted. If I remember aright, during the course of the discussion of several motions to-day, the proceedings of the Finance Committee were quoted—constantly quoted—by hon. Members, including, if I may venture to say so, the hon. the Finance Member."

The hon. Sir CHARLES TODHUNTER:—"Sir, I have scrupulously endeavoured only to quote speeches of members of the Finance Committee made in this House in which they have confirmed the decisions that have been come to in the Finance Committee."

The hon. the PRESIDENT:—"If I remember aright this morning the hon. Member showed a document of several printed pages which, he said, related to temporary establishments. He said: 'Here is a list of temporary establishments'."

The hon. Sir CHARLES TODHUNTER:—"I scrupulously avoided quoting that document, Sir. I merely demonstrated the existence of such a document."

The hon. the PRESIDENT:—"The hon. the Finance Member, if I remember aright, quoted from the document."

The hon. Sir CHARLES TODHUNTER:—"No, Sir, I merely showed it to the Council as evidence of what had been done."

The hon. the PRESIDENT:—"The hon. Member anyhow exhibited the document before the eyes of the House; he referred to the contents of the document which was in his possession. In certain instances he did quote from the document. Apparently he wanted the House to take note of the fact that he was in possession of such a document. The hon. Member Mr. Krishnan Nayar also corroborated the hon. the Finance Member. Now, I am not going just now into the question whether it was right or wrong to have quoted from that document or to have exhibited that document. I am simply saying this with reference to the question how far the proceedings of the Finance Committee should be treated as confidential, that it is a very wide question, and I would earnestly beg of the House not to rush me or itself into any decision on the question. By all means let the question be fairly and fully considered."

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The Council then adjourned for lunch at 1–45 p.m. and re-assembled after lunch at 2–35 p.m.

Mr. O. TANIKACHALA CHETTIYAR :—" Sir, I will begin by thanking you for the ruling you have given in the matter. Apart from all questions of technical consideration I should have thought that the hon. the Finance Member would have been anxious not to conceal under a bushel the light that is to be found in the document, and would have wished to be set on house-tops to be seen by all. This is what he has attempted to do—

'In all departments, it is proposed to effect reductions on the amount of expenditure on travelling allowances and contingencies. It is proposed to instruct all officers that travelling must be limited to cases of necessity and to restrict their charges to 75 per cent of those for the current year; and it is proposed to make a 25 per cent reduction also in contingencies in all cases. In addition to this, it is proposed to resume the savings that have accrued under contract grants. It is also proposed to suspend all discretionary grants to Collectors (1·25 lakhs per annum) until times improve.'

"In the margin to that note, it is stated that the travelling allowances amount to Rs. 62 lakhs, and contingencies amount to Rs. 120 lakhs, and that the proposed saving of 25 per cent from both these heads amounts to 45 lakhs. That is what has been promised, and I believe my hon. Friend Mr. Krishnan Nayar has also several times stated in the Council that the hon. the Finance Member has made a promise of effecting a saving of 45 lakhs under the two heads. In the Finance Member's statement presented to this House we have in paragraph 9—

'Finally, we have cut down drastically a number of charges other than those for establishments, such as travelling allowances and contingencies, for 1922–23. The net reduction under these heads amounts to 23·14 lakhs.'

"So any reduction under the head which the hon. House may pass will mean an addition to the reduction of 23·14 lakhs only made by the Finance Member in the Budget.. Sir, my complaint is that the reduction of 45 lakhs that was promised at the December meeting of the Finance Committee, if it had been fully given effect to, would have given us 21 lakhs or 22 lakhs, nearly, more than the amount of reduction effected here. If 22 lakhs had been available to us in the manner that it should have been made available as promised, 75 per cent or 80 per cent of the deficit with which we are faced would have been wiped off. Therefore, Sir, we as members of the Finance Committee had some papers placed before us, and so far as these papers are concerned what has been placed before us has been read and digested by us, our complaint is that what has been promised at one stage has not been carried out in the budget stage. If what has been stated was given effect to we should have been richer by 22 lakhs. Therefore, as a matter of principle, we should cut down travelling allowances by about 20 lakhs. 23·14 lakhs referred to in the Financial Statement represents a reduction of 13 per cent only, and if the reduction of 10 per cent proposed by Mr. Muniswami Nayudu is given effect to, this would bring the reduction to about 25 per cent, which was promised, and which we and the hon. the Finance Member think it is possible. In that way we can bridge over the deficit. Therefore I request the House to support the motion for reduction."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, as I said already the decrease of Rs. 500 by itself does not amount to much, nor do I think that the House is of opinion that when they cut down Rs. 500 they would be achieving anything like an appreciable reduction in

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the total expenditure. The whole issue was raised on the question of the general principles affecting travelling allowances. The hon. the Finance Member has explained at length the attempts at reduction in that direction. I have in any case listened with great interest to the speeches relating to the general principle, and I shall certainly bear them in mind when the question of revising the travelling allowances of the departments under my control comes up to me. I do not think Mr. Muniswami Nayudu intends pressing his motion to a division if I tell him that I shall bear in mind the various facts urged by him."

Mr. B. MUNISWAMI NAYUDU :—"The hon. the Revenue Member has stated that it is not the amount to be reduced that mattered but the principle underlying it. I agree. It is our duty to cut down the allotment in spite of the promise of the hon. the Revenue Member to investigate the case."

The motion was then put to the vote and carried.

Motion 55.

2-45 p.m. Rao Bahadur C. V. S. NARASIMHA RAJU :—

55. *To omit the allotment of Rs.* 1,800 *for house-rent allowance.*

"Mr. President, if we take into account the travelling allowances that are paid to these four or five officers the total cost comes to Rs. 39,500. If we total up the other allowances given to these officers the total comes to Rs 7,500. That is, they draw nearly 20 per cent of their pay as allowances. It is very undesirable. There is no reason why these officers whose salaries were recently enhanced should draw extra allowances which are not sanctioned by the Secretary of State. Therefore, I propose to omit this allotment of Rs. 1,800. I suppose it is for the assistant directors incharge of survey parties."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"The allowance that finds place in the Budget is in respect of an officer who is going to be recruited in England as a lithographic expert. He has not yet been taken on. The Secretary of State is recruiting an officer on our behalf. The terms of appointment were fixed long ago. For the last two years and more, the Secretary of State has been trying to secure an expert, and not having been able to do so on our terms, he suggested to us the desirability of securing the help of the Survey of India Department, and of also asking the Military Department if, after the termination of the war, any officer could be available. We went round through all those stages but we were not able to secure any officer at all. Eventually, we have again asked the Secretary of State to recruit one for us. He has not selected any yet. This allowance is intended to be paid to him. The idea is to bring him only for a temporary period. It is not a permanent appointment that we are offering. We are bringing him down on a temporary basis. In the meantime, we are sending out an Indian from Madras to England on a scholarship to undergo training there. As soon as he is trained there and returns to India, this officer's services would be done away with."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Is it one of the terms of the agreement that he should be paid house-rent?"

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The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Otherwise the salary that we have offered is so low that no officer would be willing to come from England on a temporary basis for a small salary like this."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"I withdraw the motion."

The motion was by leave withdrawn.

Motion 56.

Rao Bahadur C. V. S. NARASIMHA RAJU :—

56. *To omit the allotment of Rs.* 4,500 *for Presidency allowance* 3(100) (60).

"Sir, I need not argue much. The salaries of these officers were recently enhanced, and at that time all these conditions were taken into consideration. Wherever they are posted they are bound to serve. So any special treatment is unnecessary. Therefore I move for this omission."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I am sorry, Sir, it is not quite correct to say that the salaries of these officers have been enhanced; for the question of the enhancement of the salaries of the officers serving in the Survey Department is now in the hands of the Finance Committee. We sent up proposals for the reorganization of the Survey Department to the Secretary of State. But, before we got his orders, the new Council came into operation. We were advised to consult the new Council before finally asking for sanction of the scale which we propose to recommend on behalf of the Survey Department. But, before it is laid for the sanction of the House, we have placed it before the Finance Committee, and the Finance Committee will scrutinize it and eventually the scheme will come up before the House. It is not quite correct to say that the pay of the officers of the Survey Department has been revised on the lines of the revision which took place in other departments. I would therefore press for the continuance of this Presidency allowance, because the four officers who are serving in Madras would probably be better off if they were employed in the mufassal. I do not want to repeat the arguments which my hon. Friend said he was already familiar with in support of such allowances. These allowances are based on the salaries which the officers draw. A higher salary has a lower allowance. Thus Rs. 60 is intended for officers who draw over Rs. 700, and Rs. 100 for officers who draw below Rs. 700. At present, in connexion with the scheme to which reference was made by the hon. the Finance Member, the cadre of this department was fixed by the Secretary of State, and the personal allowances form part and parcel of it. Will it be equitable that we should now think of depriving them of this personal allowance? When we are considering the whole question of salaries we must consider the question of personal allowances also."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, I have great pleasure in supporting this motion. This question of Presidency allowance is a very old one. It has been based on the expenses which are necessarily incurred by the officers transferred to the city. These allowances have no justification whatever at present, whatever the reasons may have been for giving them in the beginning. At the present moment, the conditions in the mufassal are also similar. In several places they are not what they were years ago. On the other hand there are compensating advantages for the

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people in the city. Some officers like city life, and so they want to come to Madras. There are people who want to educate their sons, and there are also people who want to come to the city for other reasons as well. So in the case of persons who are transferred to the city, all these advantages are available to them, and any additional Presidency allowance is unnecessary. They are not under any disadvantage at all. As a matter of principle, I very strongly support the motion before the House."

Mr. C. RAMALINGA REDDI:—"I would also like to support the motion for the omission of the Presidency allowance. As has been pointed out, there are special compensations and advantages in Madras. So it is not necessary that we should give them any additional advantage in the shape of Presidency allowance."

The hon. Sir LIONEL DAVIDSON:—"It seems to me that the discussion is trenching on the general issue of Presidency allowances. I do not propose to discuss that myself, but I do deprecate very much any attempt to settle such an issue in a discussion in which speeches are limited to 10 minutes and five minutes. We all know there are some officers who would willingly come and serve in the Presidency town without any allowances. These officers however are, I venture to think, exceptions. In the case of Indian officers, the chief attraction is ordinarily the educational advantages of the Presidency town, when they come to reside there with their families. In the case of the European officers that inducement is absent. It is not my desire to introduce any question of racial distinction, but I must say that in the case of European officers, it is often a very great hardship indeed to be posted to the City of Madras for service on the same scale of pay as that to which they would be eligible in the mufassal, and, particularly during the past two years owing to the rise in rents, officers have protested against being posted to or retained in the City of Madras, on the ground that they cannot make both ends meet. This is not an idle complaint. I can well recall the conditions in which, as a young officer in the Secretariat, as assistant secretary, as under secretary, and as secretary to the Board of Revenue, I myself served in the City of Madras on a scale of remuneration much the same as that which I might have drawn upcountry, sometimes less and sometimes a little more; even in the nineties, it was most difficult for a young married officer with one or two children to make both ends meet in the City of Madras. There is no question that a Presidency allowance in cases of this description was a real necessity. I am speaking now of what the facts were in the nineties. It is common knowledge to most of us in this House how great has been the difference in the cost of living since the nineties. It is particularly large in the case of house-rent, but in other directions also it is large. Though it is the fashion to talk of the enormous increases which have been made in the salaries of the gazetted officers, there has in fact not been much real increase. I do not want to generalise but merely to speak of my own service which is generally spoken of as the most over-paid service, and I can only say that the increase in the cost of living in the Presidency town since I was here as a young officer twenty or thirty years ago has been such as entirely to outweigh the additions to pay which the officers in similar positions have received. I should say the extra cost is at least double, and I should not be far wrong if I said it was three times the increase in pay. It is within my personal knowledge that young officers on being posted to Madras have the

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utmost difficulty in keeping out of debt. This discussion being based on speeches abbreviated of necessity by the conditions of time, I should be very loth to commit the House to any general proposition that Presidency allowances ought to be abolished. It is not an issue which ought to be decided off-hand. For the decision carries serious consequences and it would not be fair to ask young officers to come and serve in the City under such great disadvantages. On these grounds I oppose the motion."

The motion was put to the House and carried.

The hon. Sir Lionel Davidson demanded a poll and the same was taken with the following result:—

Ayes.

1. Mr. K. Adinarayana Reddi.
2. Dr. M. Appalanarasayya Nayudu.
3. Rao Sahib S. Ellappa Chettiyar.
4. Rao Bahadur P. C. Etirajulu Nayudu.
5. Rao Bahadur K. Gopalakrishnayya.
6. Mr. S. T. Shanmukham Pillai.
7. Rao Bahadur T. Balaji Rao Nayudu.
8. Rao Bahadur T. A. Ramalinga Chettiyar.
9. Mr. C. Ramalinga Reddi.
10. Mr. O. Tanikachala Chettiyar.
11. Mr. W. Vijayaraghava Mudaliyar.
12. Mr. K. A. Kandaswami Kandar.
13. Mr. J. Kuppuswami.
14. Mr. B. Muniswami Nayudu.
15. Mr. A. T. Muttukumaraswami Chettiyar.
16. Mr. V. P. Pakkiriswami Pillai.
17. Mr. P. T. Rajan.
18. Rao Bahadur A. Ramayya Punja.
19. Mr. K. Sarabha Reddi.
20. Mr. W. P. A. Saundara Pandia Nadar.
21. Mr. K. Sitarama Reddi.
22. Mr. N. A. V. Somasundaram Pillai.
23. Dr. P. Subbarayan.
24. Mr. T. C. Tangavelu Pillai.
25. Mr. V. C. Vellingiri Goundar.
26. Mr. P. Venkatasubba Rao.
27. Diwan Bahadur M. Ramachandra Rao Pantulu.
28. Diwan Bahadur M. Krishnan Nayar.
29. Mr. C. V. Venkataramana Ayyangar.
30. Sriman Biswanatha Das Mahasayo
31. Mr. S. Muttumanicka Achari.
32. Rai Bahadur T. M. Narasimhacharlu.
33. Rao Bahadur C. V. S. Narasimha Raju.
34. Rao Sahib U. Rama Rao.
35. Mr. A. Rangaratha Mudaliyar.
36. Sriman Sasi Bhushana Rath Mahasayo.
37. Mr. M. R. Seturatnam Ayyar.
38. Mr. M. Suryanarayana Pantulu.
39. Mr. T. Arumainatha Pillai.
40. Mr. K. Prabhakaran Tampan.
41. Mr. Hamid Sultan Marakkayar Sahib.
42. Mr. Ahmad Miran Sahib.
43. Khan Sahib Muhammad Abdur-Rahim Khan Sahib Bahadur.
44. Munshi Muhammad Abdur-Rahman Sahib.
45. Khan Sahib Saiyid Diwan Abdul Razzaq Sahib Bahadur.

Noes.

1. The hon. Sir Lionel Davidson.
2. The hon. Sir Charles Todhunter.
3. The hon. Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. The hon. Mr. K. Srinivasa Ayyangar.
5. The hon. Mr. P. Rajarayaningar.
6. The hon. Rai Bahadur K. Venkata Reddi Nayudu.
7. The hon. Rao Bahadur A. P. Patro.
8. Mr. T. E. Moir.
9. Mr. F. J. Richards.
10. Mr. C. W. E. Cotton.
11. Mr. R. Littlehailes.
12. Mr. E. Perivanayagam.
13. Mr. R. K. Shanmukham Chettiyar.
14. Mr. A. Ramaswami Mudaliyar.
15. Diwan Bahadur R. Venkataratnam Nayudu.
16. Mr. S. Arpudaswami Udaiyar.
17. Mr. A. T. Palmer.
18. Mr. M. Ratnaswami.
19. The Zamindar of Mandasa.
20. Mr. R. T. Kesavalu Pillai.

The motion was carried, 45 voting *for* and 20 *against*.

3 p.m.

The hon. the PRESIDENT:—"I would point out to hon. Members that as against a total number of 200 motions, we have thus far done only 59, and we are supposed to finish the balance before a particular hour in the evening. I would appeal to hon. Members who have got motions to make to be as brief as possible. I would also request them not to repeat their arguments. There must be some sense of proportion in these things. I trust hon. Members would recognize that it is in their best interests that I appeal to them not to waste time in repeating what others have said and to be as brief as possible in what they have to say."

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Motions 57 *to* 59.

The following motions were not made :—

Mr. K. SARABHA REDDI :—

57. *To omit the allotment of Rs.* 4,500 *for Presidency allowance.*

Mr. C. V. VENKATARAMANA AYYANGAR :—

58. *To omit the allotment of Rs.* 4,500 *for Presidency allowance.*

Rai Bahadur T. M. NARASIMHACHARLU :—

59. *To reduce the allotment of Rs.* 4,500 *for Presidency allowance by Rs.* 720.

Motion 60.

Mr. C. V. VENKATARAMANA AYYANGAR :—" I do not move the motion standing in my name which is as follows :—

60. *To reduce the allotment of Rs.* 55,200 *for assistant directors by Rs.* 12,000. (*Abolition of two out of ten posts.*)

" The reason why I gave notice of this was that in 1920–21 there were only seven assistant directors. It was increased to 8 in 1921–22 and now they want to make it 10. This year they have also got an addition of two temporary posts. This was the reason why I gave notice of this motion. In view, however, of the general reduction that is coming on at the end and in view of your advice, Sir, I do not want to move this resolution."

The hon. the PRESIDENT :—" May I point out to Mr. Venkataramana Ayyangar that the House would have been more pleased if he had not made that little speech. I think it is well understood that an hon. Member need not state reasons for not moving his motion."

The motion was by leave withdrawn.

Motions 61 *to* 68.

The following motions were not made :—

Rao Bahadur C. VENKATA RANGA REDDI. :—

61. *To reduce the allotment of Rs.* 55,200 *for ten assistant directors by Rs.* 11,400.

Mr. K. SARABHA REDDI :—

62. *To omit the allotment of Rs.* 6,000 *for charge allowance for assistant directors.*

Rao Bahadur C. VENKATA RANGA REDDI :—

63. *To omit the allotment of Rs.* 6,000 *for two probationers in survey and settlement.*

Mr. K. SARABHA REDDI :—

64. *To omit the allotment of Rs.* 5,400 *for personal allowances to probationers.*

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

65. *To omit the allotment of Rs.* 4·10 *lakhs for temporary establishment.*

Rao Bahadur C. VENKATA RANGA REDDI :—

66. *To reduce the allotment of Rs.* 4,10,000 *for provisional survey parties —temporary establishments by Rs.* 1,10,000.

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17th March 1922]

Mr. C. V. VENKATARAMANA AYYANGAR :—

67. *To reduce the allotment of Rs.* 7,19,300 *for subordinates including temporary establishments by Rs.* 1,00,000.

Mr. R. SRINIVASA AYYANGAR :—

68. *To reduce the allotment of Rs.* 90,000 *for travelling allowance by Rs.* 17,188.

Motion 69.

Mr. B. MUNISWAMI NAYUDU :—"I move, Sir,

69. *To reduce the allotment of Rs.* 90,000 *for travelling allowance by Rs.* 9,000.

"Sir, I do not repeat the arguments already advanced. I hope the House will accept the motion."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"For the reasons that I have already given, Sir, I am sorry I cannot accept this recommendation also. I do not think that it is the intention of any hon. Member that we should curtail the travelling facilities of officers who have got to keep moving about their jurisdiction from time to time, and particularly at a time like this, when we are expecting all our officers to be always on the move, any attempt to reduce their travelling allowances would be suicidal. In this case in particular, Sir, the travelling allowance is asked in respect of survey parties. We have got, as I have already mentioned, five permanent survey parties, one special party for the West Coast and two for estates work. It is for the travelling allowance of all these eight survey parties that I have budgeted for this sum. The provision made in the budget for this purpose is far less than what the Board of Revenue has demanded. I have already exercised economy in this direction, and to reduce the allotment still further would merely mean that the parties will neglect their work of inspection and the superior officers will remain at their headquarters and the volume of work that would be turned out will be simply nominal. If the House is prepared for this unfortunate result, let them vote for the reduction."

Mr. C. RAMALINGA REDDI :—"Sir, I do not wish to take up much time of the House in view of your intention. I request hon. Members on the Government Bench to recognize the accepted principle, expedite these survey proceedings and try to meet us half way as it were. The principle has been gone into fully and there is no use asking us to reconsider the matter. I request the hon. the Revenue Member not to go to a division."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"In this particular case, I am sorry I cannot accept any reduction. As regards the other case where the House has passed a reduction of Rs. 500 the reasons that I could have urged for the retention of Rs. 500 were not as forcible as these. It is not the allotment which was definitely asked for by the departments. Although much larger amount is necessary for the inspecting officers of eight parties, I have deliberately cut it down to the very bone and I regret I cannot go further."

The motion was put to the House and carried.

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[17th March 1922

The hon. Sir Lionel Davidson demanded a poll which was taken with the following result :—

Ayes.

1. Mr. K. Adinarayana Reddi.
2. Mr. R. Appaswami Nayudu.
3. Mr. M. Appalanarasayya Nayudu.
4. Rao Bahadur K. Gopalakrishnayya.
5. Rao Sahib S. Ellappa Chettiyar.
6. Rao Bahadur P. C. Etirajulu Nayudu.
7. Mr. S. T. Shanmukham Pillai.
8. Rao Bahadur T. Balaji Rao Nayudu.
9. Rao Bahadur T. A. Ramalinga Chettiyar.
10. Mr. C. Ramalinga Reddi.
11. Mr. O. Tanikacha a Chettiyar.
12. Mr. W. Vijayaraghava Mudaliyar.
13. Mr. K. A. Kandaswami Kandar.
14. Mr. J. Kuppuswami.
15. Mr. B. Muniswami Nayudu.
16. Mr. A. T. Muttukumaraswami Chettiyar.
17. Mr. M. Narayanaswami Reddi.
18. Mr. V. P. Pakiriswami Pillai.
19. Mr. P. T. Rajan.
20. Rao Bahadur A. Ramayya Punja.
21. Mr. K. Sarabha Reddi.
22. Mr. W. P. A. Saundara Pandia Nadar.
23. Mr. K. Sitarama Reddi.
24. Mr. N. A. V. Somasundaram Pillai.
25. Mr. A. Subbarayudu.
26. Mr. T. C. Tangavelu Pillai.
27. Mr. V. C. Vellingiri Goundar.
28. Diwan Bahadur R. Venkataratnam Nayudu.
29. Diwan Bahadur M. Ramachandra Rao Pantulu.
30. Diwan Bahadur M. Krishnan Nayar.
31. Mr. C. V. Venkataramana Ayyangar.
32. Sriman Biswanatha Das Mahasayo.
33. Rai Bahadur T. M. Narasimhacharlu.
34. Rao Bahadur C. V. S. Narasimha Raju.
35. Mr. K. V. Ramachari.
36. Rao Sahib U. Rama Rao.
37. Mr. A. Ranganatha Mudaliyar.
38. Sriman Nasi Bhushana Rath Mahasayo.
39. Mr. M. R. Seturatnam Ayyar.
40. Mr. M. Suryanarayana.
41. Mr. S. Arpudaswami Udayar.
42. Mr. T. Arumainatha Pillai.
43. Rao Sahib E. C. M. Mascarenhas.
44. Mr. A. T. Palmer.
45. Mr. M. Ratnaswami.
46. The Zamindar of Mandasa.
47. Mr. K. Prabhakaran Tampan.
48. Mr. V. Hamid Sultan Marakkayar.
49. Mr. K. K. Koya Sahib.
50. Mr. Saiyid Muhammad Padsha Sahib.
51. Khan Sahib Muhammad Abdur Rahim Khan Sahib Bahadur.
52. Munshi Muhammad Abdur Rahman Sahib.
53. Khan Sahib Saiyid Diwan Abdur Razzaq Sahib Bahadur.
54. Khan Bahadur Muhammad Usman Sahib Bahadur.

Noes.

1. The hon. Sir Lionel Davidson.
2. The hon. Sir Charles Todhunter.
3. The hon. Khan Bahadur Muhammad Habib-ul lah Sahib Bahadur.
4. The hon. Mr. K. Srinivasa Ayyangar.
5. The hon. Rai Bahadur K. Venkata Reddi Nayudu.
6. The hon. Rao Bahadur A. P. Patro.
7. Mr. T. E. Moir.
8. Mr. F. J. Richards.
9. Mr. C. W. E. Cotton.
10. Mr. R. Littlehailes.
11. Mr. E. Periyanayagam.
12. Mr. R. K. Shanmukham Chettiyar.
13. Mr. A. Ramaswami Mudaliyar.

The motion was carried, 54 voting *for* and 13 *against*.

Motions 70 to 76-A.

The following motions were not made :—

Mr. C. NATESA MUDALIYAR :—

70. *To reduce the allotment of Rs.* 90,000 *for travelling allowances by Rs.* 9,000.

Mr. C. RAMALINGA REDDI :—

71. *To reduce the allotment of Rs.* 90,000 *for travelling allowances by Rs.* 9,000.

Mr. K. SARABHA REDDI :—

72. *To reduce the allotment of Rs.* 90,000 *for travelling allowances to professional survey parties by Rs.* 45,000.

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17th March 1922]

Mr. T. ARUMAINATHA PILLAI :—

73. *To reduce the allotment of Rs.* 90,000 *for travelling allowances by Rs.* 9,000.

Dr. P. SUBBARAYAN :—

74. *To reduce the allotment of Rs.* 90,000 *for travelling allowances by Rs.* 9,000.

Mr. O. TANIKACHALA CHETTIYAR :—

75. *To reduce the allotment of Rs.* 90,000 *for travelling allowances by Rs.* 9,000.

Mr. C. V. VENKATARAMANA AYYANGAR :—

76. *To reduce the allotment of Rs.* 90,000 *for travelling allowances by Rs.* 10,000.

Mr. C. V. S. NARASIMHA RAJU :—

76-*A*. *To reduce the allotment of Rs.* 1,200 *for charge allowance.*

Motion 77.

Mr. T. ARUMAINATHA PILLAI :—"The motion that stands in my name runs as follows :—

77. *To reduce the allotment of Rs.* 30,000 *for travelling allowances by Rs.* 3,000.

"I believe, Sir, that, after the strongly expressed opinion of the Council the hon. the Revenue Member will not oppose this motion. I, therefore, beg to formally move this motion."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Of course, I must object to any reduction under this head, and I do not think I need waste the time of the House with many arguments. I appeal to the House to consider that I have as far as possible scrutinized these figures myself. They were put before me for a larger amount than are entered here, and if the House were to expect any further reduction, I do not think I could carry out this reduction with anything like a responsibility for efficiency of administration."

The hon. Sir CHARLES TODHUNTER :—"Might I point out, Sir, that in this case the allotment is already more than 25 per cent less than the revised estimate, and that the only result of cutting down this amount below that which is necessary will be that officers will be useless, because they will have to sit at headquarters as the Council will not pay for them for travelling, so that this will really mean sheer waste of money. If the Council wish to undertake the responsibility for that, the Government must accept the motion as it is, but do let the Council understand that the work will not be done because touring officers must sit at their headquarters if there is no money to pay for their travelling allowances. In other words this is going to be an expensive proposal, not a proposal for economy at all."

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3-15 p.m. On the motion of the hon. Sir Charles Todhunter, a poll was taken with the following result :—

Ayes.

1. Mr. K. Adinarayana Reddi.
2. Dr. Appalanarasayya Nayudu.
3. Mr. R. Appaswami Nayudu.
4. Rao Sahib S. Ellappa Chettiyar.
5. Rao Bahadur P. C. Ethirajulu Nayudu.
6. Rao Bahadur K. Gopalakrishnayya.
7. Mr. S. T. Shanmukham Pillai.
8. Rao Bahadur T. Balaji Rao Nayudu.
9. Rao Bahadur T. A. Ramalinga Chettiyar.
10. Mr. C. Ramalinga Reddi.
11. Mr. O. Tanikachala Chettiyar.
12. Mr. W. Vijayaraghava Mudaliyar.
13. Mr. J. Kuppuswami.
14. Mr. B. Muniswami Nayudu.
15. Mr. A. T. Muttukumaraswami Chettiyar.
16. Mr. V. P. Pakkiriswami Pillai.
17. Mr. P. T. Rajan.
18. Rao Sahib A. Ramayya Punja.
19. Mr. K. Sarabha Reddi.
20. Mr. W. P. A. Saundara Pandia Nadar.
21. Mr. N. A. V. Somasundaram Pillai.
22. Dr. P. Subbarayan.
23. Mr. T. C. Tangavelu Pillai.
24. Mr. V. C. Vellingiri Goundar.
25. Mr. P. Venkatasubba Rao.
26. Diwan Bahadur R. Venkataratnam Nayudu.
27. Diwan Bahadur M. Ramachandra Rao Pantulu.
28. Diwan Bahadur M. Krishnan Nayar.
29. Mr. C. V. Venkataramana Ayyangar.
30. Sriman Biswanatha Das Mahasayo.
31. Rai Bahadur T. M. Narasimhacharlu.
32. Rao Bahadur C. V. S. Narasimha Raju.
33. Mr. K. V. Ramachari.
34. Rao Sahib U. Rama Rao.
35. Mr. A. Ranganatha Mudaliyar.
36. Sriman Sasi Bhushana Rath Mahasayo.
37. Mr. M. R. Seturatnam Ayyar.
38. Mr. M. Suryanarayana Pantulu.
39. Mr. T. Arumainatha Pillai.
40. Mr. M. Ratnaswami.
41. The Zamindar of Mandasa.
42. Mr. K. Prabhakaran Tampan.
43. Mr. A. D. M. Bavotti Sahib.
44. Mr. Ahmad Miran Sahib.
45. Khan Sahib Muhammad Abdur Rahim Khan Sahib Bahadur.
46. Mr. Munshi Muhammad Abdur Rahman Sahib.
47. Khan Sahib Saiyid Diwan Abdul Razzaq Sahib Bahadur.
48. Khan Bahadur Muhammad Usman Sahib Bahadur.

Noes.

1. The hon. Sir Lionel Davidson.
2. The hon. Sir Charles Todhunter.
3. The hon. Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. The hon. Mr. K. Srinivasa Ayyangar.
5. The hon. Rai Bahadur K. Venkata Reddi Nayudu.
6. The hon. Rao Bahadur A. P. Patro.
7. Mr. T. E. Moir.
8. Mr. F. J. Richards.
9. Mr. C. W. E. Cotton.
10. Mr. R. Littlehailes.
11. Mr. E. Periyanayagam.
12. Mr. R. K. Shanmukham Chettiyar.
13. Mr. A. Ramaswami Mudaliyar.
14. Mr. R. T. Kesavulu Pillai.

The motion was carried, 48 voting *for* and 14 *against* it.

Motions 78 *to* 85.

The following motions were not made :—

Mr. B. Muniswami Nayudu :—

78. *To reduce the allotment of Rs.* 30,000 *for travelling allowances by Rs.* 3,000.

Mr. C. Natesa Mudaliyar :—

79. *To reduce the allotment of Rs.* 30,000 *for travelling allowances by Rs.* 3,000.

Mr. C. Ramalinga Reddi :—

80. *To reduce the allotment of Rs.* 30,000 *for travelling allowances by Rs.* 3,000.

Mr. R. Srinivasa Ayyangar :—

81. *To reduce the allotment of Rs.* 30,000 *for travelling allowances by Rs.* 5,335.

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Dr. P. SUBBARAYAN :—

82. *To reduce the allotment of Rs.* 30,000 *for travelling allowances by Rs.* 3,000.

Mr. O. TANIKACHALA CHETTIYAR :—

83. *To reduce the allotment of Rs.* 30,000 *for travelling allowances by Rs.* 4,000.

Rao Bahadur K. GOPALAKRISHNAYYA :—

84. *To reduce the allotment of Rs.* 8,72,200 *for professional survey parties by Rs.* 4,50,000.

Mr. K. SARABHA REDDI :—

85. *To reduce the allotment of Rs.* 7,000 *for travelling allowance under special cadastral surveys of municipal towns and unions by Rs.* 3,500.

Motion 86.

Sriman SASI BHUSHANA RATH Mahasayo :—"Sir, I beg to move the following motion which stands in my name :—

86. *To omit the allotment of Rs.* 9,600 *for one special settlement officer.*

"Hon. Members will find from the budget estimates presented to us that there is one special settlement officer and 18 special assistant settlement officers, some for 6 months, others for 11 months and one for 4 months. Last year we had only 13 in all, and in view of the fact that there is no special reason forthcoming for this increase, I suggest that one special settlement officer should go. He is said to be paid Rs. 800 a month and therefore I propose that Rs. 9,600 (salary for one year) be omitted."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Probably I may inform the hon. Member, Sir, that we have at the present moment a number of settlement parties working and the total number of settlement officers has been fixed with reference to the large amount of settlement work that is to be carried on in Bellary, Anantapur, Tanjore and Trichinopoly districts. If there is to be any reduction in the number of settlement officers, the outturn of work—that will be the immediate result—will necessarily be small and as an inevitable consequence we shall have to spread the whole work over a larger number of years than it will be possible for the full complement of officers to do. That I assume may be regarded as bad finance. If the House is interested to know how these various officers are employed or are proposed to be employed during the next year, I can give them that information. The first party, Sir, is working in Tanjore. We have made provision for three officers for twelve months and four officers for six months only and one other officer for 11 months. The whole district of Tanjore is due for resettlement in the year 1923–24. So the work preliminary to the introduction of resettlement is going on ; the scheme report is under the consideration of Government and orders are expected to issue soon. The second party is employed in South Arcot and North Arcot. For this we provide three officers for 12 months and one for 4 months. Resettlement is due in 1922–23 in the Vriddhachalam taluk of the South Arcot district. So far as Chidambaram is concerned resettlement already became due and the work that is being done is the winding up and classification of assessed waste lands. In Bellary and

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Anantapur we intend to retain two officers for the whole year. In the Anantapur district, Gooty and Tadpatri taluks became due in 1921–22. Adoni and Siruguppa became due in 1920–21, but we postponed resettlement operations therein on account of seasonal conditions of those taluks, to be taken up in 1922–23. Harpanahalli is due in 1923–24, and work will be taken up next year. The fourth party is employed in Trichinopoly, for which we want two officers for 6 months and one for 4 months, but the district is due for resettlement in 1924–25 and so the work that is now being done is the revision of adangals and other preliminary work. In Ganjām and Vizagapatam, only one officer is employed, as all the work is nearing completion and no additional officer is needed there. From this statement it will be evident that we have not taken a single officer for more period than is absolutely necessary. As a result of the speeding up of these operations we expect to realize an additional revenue of Rs. 2,84,000 in the next year. If there is anything like an interference with the quantity of work that has to be done by these officers during the next year, the House will have to be prepared for a proportionate reduction in the shape of revenue."

Sriman Sasi Bhushana Rath Mahasayo :—" Sir, I am not satisfied with the arguments advanced by the hon. the Revenue Member, but in view of the fact that we have larger reductions proposed later on, and in order to save time, I beg to withdraw my motion."

The motion was by leave withdrawn.

Motions 87 *to* 95.

The following motions were not made :—

Mr. C. V. Venkataramana Ayyangar :—

87. *To reduce the allotment of Rs.* 46,560 *for special settlement officers by Rs.* 80,000. (*Abolition of two out of eleven posts.*)

Rao Bahadur C. Venkata Ranga Reddi :—

88. *To reduce the allotment of Rs.* 46,560 *for special assistant settlement officers by Rs.* 8,460.

Mr. C. V. Venkataramana Ayyangar :—

89. *To omit the allotment of Rs.* 7,200 *for special settlement officers*

Rao Bahadur A. S. Krishna Rao Pantulu :—

90. *To omit the allotment of Rs.* 4·13 *lakhs for temporary establishments.*

Rai Bahadur T. M. Narasimhacharlu :—

91. *To reduce the allotment of Rs.* 4,13,000 *for temporary establishment by Rs.* 1,00,000.

Rao Bahadur C. V. S. Narasimha Raju :—

92. *To reduce the allotment of Rs.* 4,13,000 *for settlement parties by Rs.* 100.

Mr. R. Srinivasa Ayyangar :—

93. *To reduce the allotment of Rs.* 4,13,000 *for temporary establishment, settlement parties, by Rs.* 1,00,000.

Mr. C. V. Venkataramana Ayyangar :—

94. *To reduce the allotment of Rs.* 5,78,834 *for establishments including temporary by Rs.* 1,00,000.

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Mr. T. ARUMAINATHA PILLAI :—

95. *To reduce the allotment of Rs.* 1,03,000 *for travelling allowance by Rs.* 50,000.

Motion 96.

Mr. B. MUNISWAMI NAYUDU :—" Sir, the motion standing in my name runs thus :—

96. *To reduce the allotment of Rs.* 1,03,000 *for travelling allowances by Rs.* 10,300.

" This is another motion to reduce the allotment under travelling allowance by 10 per cent which comes in this case to Rs. 10,300. I beg formally to move this proposition and leave it in the hands of the House."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I think, Sir, I have simply to urge the same argument, but, however, I wish to state one more fact for the information of the House, and it is this. In the course of my scrutiny of the estimates received from heads of departments on account of travelling allowances, I cut down those estimates to the extent of 10 lakhs. If that will not satisfy the House as an indication of my sincere co-operation in reducing expenditure, I do not know what else will."

Mr. B. MUNISWAMI NAYUDU :—" I find that the budget estimate for this item for 1921-22 was Rs. 75,925, and the revised estimate something less. I therefore press my motion."

The motion was put and carried. The reduction was made.

Motions 97 *to* 105.

The following motions were not made :—

Rai Bahadur T. M. NARASIMHACHARLU :—

97. *To reduce the allotment of Rs.* 1,03,000 *for travelling allowances by Rs.* 20,000.

Mr. C. NATESA MUDALIYAR :—

98. *To reduce the allotment of Rs.* 1,03,000 *for travelling allowances by Rs.* 10,300.

Mr. C. RAMALINGA REDDI :—

99. *To reduce the allotment of Rs.* 1,03,000 *for travelling allowances by Rs.* 50,000.

Mr. K. SARABHA REDDI :—

100. *To reduce the allotment of Rs.* 1,03,000 *for travelling allowances to special settlement and assistant settlement officers by Rs.* 51,500.

Mr. R. SRINIVASA AYYANGAR :—

101. *To reduce the allotment of Rs.* 1,03,000 *for travelling allowances by Rs.* 29,175.

Dr. P. SUBBARAYAN :—

102. *To reduce the allotment of Rs.* 1,03,000 *for travelling allowances by Rs.* 10,300.

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Mr. O. TANIKACHALA CHETTIYAR :—

103. *To reduce the allotment of Rs.* 1,03,000 *for travelling allowances by Rs.* 10,300.

Mr. C. V. VENKATARAMANA AYYANGAR :—

104. *To reduce the allotment of Rs.* 1,03,000 *for travelling allowances by Rs.* 10,000.

Mr. K. SARABHA REDDI :—

105. *To omit the allotment of Rs.* 19,400 *for duty allowances to special settlement and assistant settlement officers.*

Motion 106.

Sriman SASI BHUSHANA RATH Mahasayo then made the following motion :—

106. *To omit the allotment of Rs.* 19,400 *for duty allowances.*

In doing so, he said :—" This is a question of duty allowances which are on the same footing as the travelling allowances. We are against any duty allowances being given to any one for doing his duty. These duty allowances may be given in special cases, but the Government have to satisfy us that in special cases some special work of a special kind is being done. Till that is done, we shall urge propositions of this kind."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—

3-30 p.m. " Sir, this question of duty allowance in the case of the special settlement officers came up—shall I say—for heated discussion at the time of the last budget debate ; and it was then my duty with the little experience that I then possessed of the work of these officers, to oppose it as strongly as I could. The House was then fully convinced of the reasons I advanced and withdrew the motion for the reduction. Now, with the extra twelve months' experience that I have had of the nature of the work done by the Special Settlement officers, I not merely endorse all that I said on the previous occasion but I would endorse it much more forcibly. The duties of the Special and Assistant Settlement officers are so arduous, so unpleasant and so different from the nature of the duties which a Revenue Divisional officer is called upon to discharge that to expect a Deputy Collector to bear this unpleasant burden on the same pay without anything like a compensation for the extra trouble, hardship and inconvenience, will be practically precluding the possibilities of any Deputy Collector accepting the work of the Special or Assistant Settlement Officer, which requires great courage and industry. The nature of the investigation he has to conduct within a given time going from place to place and village to village, and even within infected areas is of course not the ordinary lot of a Revenue Divisional Officer. I merely draw the attention of the House to the speeches then delivered and I shall therefore not repeat the arguments advanced both by myself and the others that spoke in favour of my views. One significant fact that I would point out is that the House knows sufficiently well that similar officers in the non-votable departments are drawing this duty allowance and I would ask whether it is the intention of the House to draw an invidious distinction. And simply because these Indian officers are at your mercy, is it your intention that you should deprive them of their allowances? I fervently appeal to you on behalf of these officers who are in your hands."

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Diwan Bahadur M. KRISHNAN NAYAR :—" I support this motion before the House. The hon. the Revenue Member referred to the motion for the reduction of duty allowances at the time of the last budget discussion. I was one of those who pleaded for the abolition of these duty allowances and I still remember vividly the arguments which were advanced in that case by my hon. Friend on the other side. My friend referred to his additional experience he has gathered during the past year, with reference to the arduous nature of the work that is done by the Settlement officers. But I appeal to the experience of the Council during the past year.

" One argument advanced by him requires an answer from me. He with very good reason, pointed out to the case of the Indian Civil Service Officers whose duty allowance cannot be touched because they are non-votable. He also asked us, with good reason whether this Council is going to deprive one class of officers alone, of their duty allowance because their duty allowance could be voted for or against by this Council. I would, however, urge that if this Council votes for the abolition of the duty allowances of these officers, the Government will in reason be bound to abolish these allowances in the case of Indian Civil Service officers also."

Mr. C. RAMALINGA REDDI :—"I wish to give my strong support to this motion moved by my hon. Friend Mr. Rath. The arguments advanced by my friend the hon. the Revenue Member have not appealed to me. I do think that it is not possible for us with these financial conditions to pay much consideration to these allowances. As regards the other point raised by my friend the Revenue Member, I would only ask him to remember that we are in a diarchy and it is no argument to say that because the treatment results in an invidious distinction being made, therefore there should be no treatment at all even if it is otherwise just and proper. I join with my hon. Friend Mr. Krishnan Nayar in thinking that if the resolution is carried the higher officers that are now beyond the reach of this House will in a spirit of generosity and equity, relinquish their allowances also. All this is due to the original sin of diarchy which we must face as best as possible. With these few words, Sir, I support the motion strongly."

Mr. T. E. MOIR :—" Sir, the constitutional question which has been raised is hardly one with which I am here concerned. But I would say this—I think they would agree with me though I am not speaking on behalf of all the Members of my service and the other Imperial services—that at the time when the question of these reforms was under consideration, in view of the changes that were to be introduced, the question as to our position under the reforms caused us great anxiety and we decided that it was necessary to press for certain safeguards. These reforms have been in existence hardly for a little over a year and it is matter for great regret to us to find that our apprehensions were more than justified or are likely to be justified by the action of this Council and that not one of the safeguards for which we ventured to ask should prove unnecessary. But the fact that I or other members of my service are and would be safe under similar circumstances surely does not justify one who has been a settlement officer himself in saying this is no concern of mine and in refraining from saying a word on behalf of those Indian officers whom this motion if carried will affect.

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"I myself worked as a settlement officer for nine years and with Indian officers some of whom are still serving loyally and faithfully in that department I can only say that one never could have wished to work with better officers. I venture to plead their cause before this Council and to ask for that generous consideration which they indeed merit in view of the very arduous nature of their task. The hon. Member Mr. Krishnan Nayar summarily brushed aside an appeal that was made as regards the conditions they have to work under. I have personal knowledge drawn from my nine years' tenure as a Special Settlement officer of what these conditions are and that it is by no means attractive or easy work. It involves touring, more prolonged and continuous touring, perhaps than in any other department and the entire negation of domestic life which that implies. My own experience was for about ten months in the year I had to be out in camp. This I have no doubt is still the case with these Indian officers. I do not wish to talk too much about myself: but can only refer to one's own experiences and personal knowledge and on one occasion I remember being in camp in Cuddapah district through the whole of the hot weather without cessation and the hon. Member Mr. Narasimhacharlu can tell you what that means.

"These Indian officers for whom I plead have to face the same conditions. It is not merely the inspections in the field that is his lot. After the field work is over and you return tired out after midday you have time only for a hurried meal and have to sit for hours to write up the results of your inspection and to deal with a large number of files. Then there is the responsibility of supervising large subordinate staffs mostly temporary establishments which, as I think, the House will realize require special supervision and management.

"I quite sympathise with the desire of the House for economy. But, I would ask: is it really proposed to accept this motion and yet to expect this arduous work with all the strain it involves as I have attempted to indicate within the brief space of time at my disposal, to be undertaken cheerfully by officers who feel that this House refuses it any recognition and rejects their reasonable claim for some, little measure of extra remuneration. I would appeal to the House to consider before taking such a step."

The hon. Sir LIONEL DAVIDSON:—"After the eloquent appeal from a settlement officer of the practical experience of Mr. Moir very little on my part should be needed to induce this House to reject this motion. The little I have to add is to draw attention once again to the debate last year which concluded with a speech of mine quoting facts within my personal knowledge of the conditions of life under which the Settlement Officers in the Tinnevelly district had to work in 1909 and 1910. The particular officers whom I mentioned then were Mr. Gwynn and Mr. Chadwick and if either of them were here, they could give ample corroboration to Mr. Moir's experience. On the occasion of that debate the final vote was 46 against the reduction and 31 in favour of it. The House then vindicated its reputation for the commonsense and fairness that it can bring to bear upon the consideration of the subjects before it.

"I should next like to say this with reference to the appeal that has been made from, I think, two quarters regarding the allowances in the case of Special Settlement Officers and Assistant Settlement Officers of the Indian Civil Service. The appeal which has been made to us as a Government is

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to undertake to remove these allowances also and an appeal is at the same time made to the honour of the Indian Civil Service officers who draw them not to receive allowances which their Indian fellow workers are debarred from receiving. I should like to say emphatically that the Government cannot undertake to do any such injustice to the former class of officers, merely because this House deals inequitably with the latter class. It is a matter on which I feel warmly. I do not wish to accentuate warmth of feeling elsewhere, least of all within the last fortnight of my tenure of office, but I do feel that this House ought to think and think seriously about this question of reduction. I pledge my word for it that both classes of officers have earned this allowance so thoroughly that to deprive them of it would be a cruel injustice."

The hon. Sir CHARLES TODHUNTER :—"May I say one word in explanation of the general question of duty allowance? As I explained yesterday, there are many circumstances under which these allowances are given, one of which is the case where, in order to gain greater elasticity in appointment, there is exchanged for an appointment on special pay an addition to a regular grade with an allowance attached to make up the difference. This gives discretion to the appointing authority to choose suitable officers from the general grade from time to time, and if they become unfit for the work for physical or other reasons, to send them back and take others. In the present instance, the Deputy Commissioner of Settlement years ago used to draw a special pay rising up to Rs. 1,100. There has been exchanged for that the lower pay of a Deputy Collector with an allowance so that suitable Deputy Collectors can be taken on Settlement work from time to time and no man is kept at it all his life. The Council will see that as a result of this arrangement there is likely to be no increase, but rather a saving of expenditure."

3-45 p.m.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I wish only to add a few words. We heard three members of the Indian Civil Service speak on this matter. It is not our intention to cause any unnecessary hardship to any officers of the Settlement Department who are already hard worked. I do not think that any of the gentlemen who have spoken here to-day on this subject will charge any member of this Council with any desire to inflict injustice on any class of officers whether they are in the Settlement Department or otherwise. The question that has been raised by this issue shows our difficulty that has been felt ever since these Reforms came into force. Under this scheme of votable and non-votable items, so far as the duty allowance of these officers who are placed on the non-votable list is concerned, we have absolutely no power to deal with this question generally from the point of view of the services as a whole whether European or Indian. I contended last time that this placing of the duty allowance on the non-votable list was unjustified under section 72-D of the Government of India Act which says that the 'salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council'——."

The hon. Sir CHARLES TODHUNTER :—"I rise to a point of order. The placing of items on the votable or the non-votable list is a matter for His Excellency the Governor and I think we are not entitled to discuss it in this connexion."

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Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I am perfectly aware of that fact. My hon. Friend need not charge me with not knowing that elementary proposition. The point is this. Many members of this Council feel that on account of this diarchy the system which places one set of salaries and allowances under the control of this Council and another set outside their control is a very inconvenient system of dealing with these questions, and on account of the risk of being thought unjustifiable by certain officers, many hon. Members really wanted to force this matter to a decision. Let there be no impression on the part of any of the officers employed by Government that we want to inflict any hardship on any deserving class of officers. On the merits of the question it is unnecessary to go into the matter at all. The question is whether this Council should have the power of dealing with the allowances as a whole."

The hon. Sir LIONEL DAVIDSON :—"Does that question arise, Sir, on this vote?"

The hon. the PRESIDENT :—"Certainly. The proposal is to omit the allotment of Rs. 19,400 for duty allowance. I believe the item is the duty allowance of officers other than those of the Indian Civil Service. It is open to any hon. Member who wants this duty allowance to go to say that duty allowances are wrong whether given to the officers of the Indian Civil Service or to the officers of the Provincial Service, and that, though the House cannot do anything against the first set of allowances, there is nothing to prevent it from dealing with the second set.

"I would however appeal to the hon. Member Mr. Ramachandra Rao that if in addition to the motions which we have got on the agenda we are going to deal with the general merits of diarchy, we shall require a much larger period than nine days. Once again I urge hon. Members to put due restraint upon their anxiety to explain matters to one another and to the Government. I will now put this motion to the vote."

The motion was put and carried.

The hon. Sir Charles Todhunter demanded a poll which was taken with the following result :—

Ayes.

1. Mr. K. Adinarayana Reddi.
2. Dr. M. Appalanarasayya Nayudu.
3. Rao Sahib S. Ellappa Chettiyar.
4. Rao Bahadur P. C. Ethirajulu Nayudu.
5. Rao Bahadur K. Gopalakrishnayya.
6. Sir P. Tyagaraya Chettiyar.
7. Mr. S. T. Shanmukham Pillai.
8. Rao Bahadur T. Balaji Rao Nayudu.
9. ,, T. A. Ramalinga Chettiyar.
10. Mr. C. Ramalinga Reddi.
11. Mr. O. Tanikachala Chettiyar.
12. Mr. W. Vijayaraghava Mudaliyar.
13. Mr. J. Kuppuswami.
14. Mr. B. Muniswami Nayudu.
15. Mr. A. T. Muttukumaraswami Chettiyar.
16. Mr. V. Pakkiriswami Pillai.
17. Rao Bahadur A. Ramayya Punja.
18. Mr. K. Sarabha Reddi.
19. Mr. W. P. A. Soundara Pandiya Nadar.
20. Mr. K. Sitarama Reddiyar.
21. Mr. N. A. V. Somasundaram Pillai.
22. Dr. P. Subbarayan.
23. Mr. A. Tangavelu Nayakar.
24. Mr. V. C. Vellingiri Goundar.
25. Mr. P. Venkatasubba Rao.
26. Diwan Bahadur M. Ramachandra Rao Pantulu.
27. ,, M. Krishnan Nayar.
28. Mr. C. V. Venkataramana Ayyangar.
29. Sriman Biswanath Das Mahasayo.
30. Rai Bahadur T. M. Narasimhacharlu.
31. Rao Bahadur C. V. S. Narasimha Raju.
32. Rao Sahib U. Rama Rao.
33. Sriman Sasibhushana Rath Mahasayo.
34. Mr. M. R. Seturatnam Ayyar.
35. Mr. M. Suryanarayana Pantulu.
36. Mr. T. Arumainatha Pillai.
37. Mr. A. T. Palmer.
38. Mr. K. Prabhakaran Tampan.
39. A. D. M. Bavotti Sahib Bahadur.
40. Ahmad Miran Sahib Bahadur.
41. Khan Bahadur Muhammad Usman Sahib

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Noes.

1. The hon. Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, Mr. P. Ramarayaningar.
6. ,, Rai Bahadur K. Venkata Reddi Nayudu.
7. ,, Rao Bahadur A. P. Patro.
8. Mr. T. E. Moir.
9. Mr. F. J. Richards.
10. Mr. C. W. E. Cotton.
11. Mr. R. Littlehailes.
12. Mr. E. Periyanayakam.
13. Mr. R. K. Shanmukham Chettiyar.
14. Mr. A. Ramaswami Mudaliyar.
15. Mr. R. Appaswami Nayudu.
16. Mr. T. C. Tangavelu Pillai.
17. Mr. S. Muttumanicka Achari.
18. The Zamindar of Mandasa.

The motion was carried, 41 voting *for* and 18 *against* it.

Motion 107.

Rai Bahadur T. M. NARASIMHACHARLU :—"I move—

107. *To reduce the allotment of Rs.* 21,800 *for other contingencies by Rs.* 15,000.

"In so doing, I wish to know why when only Rs. 3,837 was spent in 1920–21 and according to the revised estimate for the current year Rs. 4,400 only is provided for there should be Rs. 21,800 provided for in the budget estimate for 1922–23. While we have been spending about Rs. 4,000 and odd, why should there be such a large amount budgeted for this year?"

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"In the year to which reference has been pointedly made, namely, 1920–21, the rate at which allowances were paid to karnams for the preparation of the village accounts in respect of resettlement duties was 2 annas per day. Subsequently it was found that that allowance was so paltry that it should be at least doubled up. The recommendation of the Board of Revenue was accepted in the course of last year and an allotment of Rs. 20,500 was definitely asked for; owing to the suspension of most of the settlement operations in the course of last year the amount actually spent was Rs. 4,400. As I have already said, these operations are expected to be renewed in the course of next year when we are to pay at the rate of 4 annas in lieu of 2 annas which was the rate in 1920–21. We have also quite recently offered a reward of Rs. 10 to every karnam who finishes his accounts correctly within the shortest period so that we may be saving the daily payment of 4 annas. The payment of Rs. 10 for expediting the work satisfactorily has also been taken into account in the amount of Rs. 21,800 budgeted for. Before accepting the allotment of Rs. 25,800, I asked the Board of Revenue whether they could not reduce it to Rs. 15,000. They gave me all the details of the work and the actual expenditure that will have to be incurred, and with these details I was perfectly satisfied and entered this amount. All this will go for the payment of karnams who form one of the units of the village establishment on whose behalf appeals have been repeatedly made by this House. If still the Council wants to reduce the item, it will only effect those karnams."

Rai Bahadur T. M. NARASIMHACHARLU :—"I am quite satisfied, Sir, and I shall withdraw the motion."

The motion was by leave withdrawn.

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Motions 108 *and* 109.

The following motions were not made :—

Rao Bahadur K. GOPALAKRISHNAYYA :—

108. *To reduce the allotment of Rs.* 8,92,800 *for settlement parties by Rs.* 4,50,000.

Rao Bahadur C. V. S. NARASIMHA RAJU :—

109. *To reduce the allotment of Rs.* 8,92,800 *for settlement parties by Rs.* 100.

Motion 110.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Sir, I beg to move :—

110. *To reduce the allotment of Rs.* 8,92,800 *for settlement parties by Rs.* 2,00,000.

" In the year 1920, the settlement parties cost Rs. 4,78,075 and in the year 1920–21 the budget estimate was Rs. 5,65,400 and the revised estimate was Rs. 6·10 lakhs ; in the year 1921–22 the budget estimate was Rs. 7·12 lakhs and the revised estimate shows only Rs. 6·35 lakhs. In this year it is sought to raise the amount of expenditure on this item to Rs. 8,92,800, that is very nearly double the expenditure incurred in 1920. The policy of these settlement parties and the work in which they are engaged are quite unpopular and the opinion of the Council generally on these settlement parties and their anxiety for the reduction in the expenditure incurred on them are very well known and I do not want to go into them. But I may draw the attention of the Council to the provisions that are made in the present budget. The number of settlement officers is proposed to be raised by five and the other establishment is the same, whereas under the head of temporary establishment Rs. 2,50,000 appears under the revised estimate for 1921–22 and Rs. 4,13,000 is put down as the budget estimate for 1922–23. It appears to me, Sir, that the object of the Government in having provided large sums under such items as this as lump allotments is probably for utilization for other purposes by reappropriation. The Government probably want to provide for any emergencies that may arise and so they want to bring these as lump grants with a view to provide for any other proposals they may bring forward later."

The hon. Sir CHARLES TODHUNTER :—" May I say, Sir, that it is not a lump sum to be utilized for any emergencies during the course of the year. It is a provision for staff which is continued from year to year though it is called temporary. We can give the hon. Member the details if he wishes to have them."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" It is of course tempo-
4 p.m. rary establishment, Sir, and we know what the establishment is and what it will cost. That is why I drew attention to the difference between the revised estimate and the budget provision asked for. It is because the establishment is temporary that difficulties arise. We find that there is a very large increase in the temporary establishment in the current year over the figures in the revised estimate amounting to 2 lakhs and 50 thousands. As the provision that is made for the next year is such a large amount we find it difficult to see how this very large increase may be necessary. That is why I say the inference is possible that if a lump

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increase is made, the Government perhaps intend to utilize it in other directions. Moreover no definite reason is alleged for the abnormal increase under this head. Sir, the Council as a whole has been against lump sum provisions. Even last year it was on the distinct understanding that the lump sum provisions would be scrutinized by the Finance Committee that they were passed. This year we only repeat what was said last year and it seems to me, Sir, that it is not the proper way to put down such lump allotments especially in a case like this where the figures have been increased to a very large extent. I think there is no justification whatever for the increase. Since the figures were in relation to the temporary establishment we could not scrutinize them so much as we would have done if they related to a permanent staff. It was said, Sir, that this is not the time to settle big questions of policy on what was termed as catch-votes."

The hon. Sir CHARLES TODHUNTER :—"I have not called it a catch-vote, Sir."

The hon. Sir LIONEL DAVIDSON :—"Sir, I said so and I do regard it is right, Sir, in circumstances like this."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"I only want to be understood as not trying in any way to settle big questions of policy by catch-votes. I only move for the reduction so that opportunity might be given for the Government to see whether reduction is possible and to carry it out if it is. With these words, I beg to move for the reduction."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"It seems to me, therefore, evident, Sir, to the mind of the hon. Mover of this motion that the whole increase in the total allotment entered in the next year's budget is attributed mainly to the large provision made in the temporary establishment. If, therefore, I can explain to his satisfaction and to the satisfaction of the House, as to why that increased allotment is made under temporary establishment, I hope the hon. Member will feel convinced about the necessity for the same. The House is probably aware, for, I have stated it so often, that we have got now five permanent parties besides a number of temporary parties. We have got on the whole a permanent establishment which is sufficient only to cover the activities of no more than two and a half parties. All the other parties which are in operation have therefore to take on temporary establishments from time to time. The nature, extent, and size of the temporary establishments are largely moulded by the volume of work that has got to be done. The hon. Member who moved this motion complained that if the allotment had been put under the head permanent, it would have given him an opportunity to examine it more carefully. If it is the intention of the House that in future I should convert the whole of the temporary establishment into permanent so as to give the House an opportunity of scrutinizing the details, I shall do so only with pleasure. The total expenditure that is incurred at the present moment on account of the permanent establishments in the Settlement department is no more than one and odd lakhs. That, Sir, is the total permanent establishment employed under all the parties. That, as I said, is sufficient only to carry on the activities of no more than two and a half parties. As regards the rest we merely take them on temporarily. The reason why this large amount of establishment is needed for the year 1922–23 is again explicable by the oft-repeated statement that I have made in

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this House since this morning that our activities in the matter of re-settlements are increasing and increasing definitely from 1922–23. And we have, as a *quid pro quo* for such activities, taken credit for an additional revenue of 2·94 lakhs. It was argued that this amount of Rs. 4,13,000 which we have entered in the budget is more or less an imaginary figure and that there are no details whatsoever available and that the House is merely asked to vote without any definite knowledge. As the hon. the Finance Member said, if the House is anxious to have all these details incorporated in the budget the Government have not the least objection to do so. Here are the details. The necessity of the amount of Rs. 4,13,000 is to be found in the fact that in the first party we have employed a temporary establishment costing Rs. 95,910 altogether, in the second party which is working in South Arcot and North Arcot, we have employed a temporary establishment costing Rs. 1,14,303, in the third party which is working in the Bellary and Anantapur districts the temporary establishment employed comes up to Rs. 1,13,230 and in the fourth party working in Trichinopoly to Rs. 66,753, while in the fifth party working in the Vizagapatam district we want no more than Rs. 2,804. As regards The Nilgris and Malabar where there is a special party working we have made provision for five months only as we expect the work will not last for more than that period and we have made provision for Rs. 20,000. Thus the total comes to Rs. 4,13,000. It cannot be said from the nature of the figures that I have read that they are mere random figures as it must appear evident that we have scrutinized them carefully and that we have entered the actual, the bare actual that is needed for our purpose. In the light of this information, I will ask the hon. Member to say whether we have entered merely random figures and whether they are more than what is actually wanted and whether we can hope that a saving might accrue therefrom which may be utilized for other purposes. If the hon. Member is prepared to convince me that all the temporary establishments must go, I should reply that along with them three and a half parties shall also have to go. If that really is the intention of the House, they are at perfect liberty to vote for the motion accordingly."

Diwan Bahadur M. Ramachandra Rao Pantulu :—" Sir, it is true as stated by the hon. the Revenue Member that in the Settlement department it is not quite possible to fix the establishment on a permanent scale. Hon. Members are aware that the settlement operations in any one year are not the same in the year succeeding. Several taluks come in for settlement in a particular year and the operations are not exactly the same from year to year. Much depends upon the nature of the original settlement. Therefore it is absolutely essential that there should be variations and that the scale of establishment should also vary. Sometimes you have to expand the establishment and at others contract it. Therefore, generally speaking, it is certainly somewhat inconvenient to have a permanent establishment on a permanent scale in the operations of the Settlement department. That is a fact which will be recognized by others. I think my hon. Friend will realize this difficulty of fixing the department on a permanent basis. I can assure the hon. the Revenue Member that nobody has any desire to dislocate the work of the department and that there is absolutely no need for any misunderstanding of the object with which this motion has been placed."

Rao Bahadur T. A. Ramalinga Chettiyar :—" Sir, I was very much struck at the increase in the figures which have really grown double of what

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they were in 1920. That is a matter which should attract the attention of the House and of the Government. Now, Sir, I do not propose to press my motion, but my object in bringing it is that the expression of opinion of this Council on this question will carry weight with the Government who will then look into the matter with a view to effecting all possible savings. I beg leave to withdraw my motion."

(The hon. Sir Charles Todhunter rose to speak.)

The hon. the PRESIDENT :—" The hon. Mover having asked for leave to withdraw the motion, the hon. Sir Charles Todhunter will be entitled to speak on the withdrawal, point out for example the reasons why leave should not be given, and why the vote of the House should be taken on the motion."

Leave was granted and the motion was withdrawn.

Motions 111 *to* 118.

The following motions were not made :—

Mr. C. NATESA MUDALIYAR :—

111. *To reduce the allotment of Rs.* 10,62,800 *for revenue settlement by Rs.* 2,00,000.

Mr. T. ARUMAINATHA PILLAI :—

112. *To reduce the allotment of Rs.* 10,62,800 *by Rs.* 2,00,000.

Mr. C. RAMALINGA REDDI :—

113. *To reduce the allotment of Rs.* 10,62,800 *by Rs.* 2,00,000.

Dr. P. SUBBARAYAN :—

114. *To reduce the total allotment of Rs.* 10,62,800 *for revenue settlement by Rs.* 2,00,000.

Mr. O. TANIKACHALA CHETTIYAR :—

115. *To reduce the allotment of Rs.* 10,62,800 *for revenue settlement by Rs.* 2,00,000.

Rao Bahadur T. BALAJI RAO NAYUDU :—

116. *To reduce the allotment of Rs.* 21,03,772 *for survey and settlement by Rs.* 11,02,800.

Mr. B. MUNISWAMI NAYUDU :—

117. *To reduce the allotment of Rs.* 21,03,772 *for survey by Rs.* 1,00,000."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—

118. *To reduce the total allotment of Rs.* 21,03,772 *for survey and settlement by Rs.* 100.

Motion 119.

Mr. A. RANGANATHA MUDALIYAR :—" Sir, I beg to move—

119. *To reduce the allotment of Rs.* 21,03,772 *for survey and settlement by Rs.* 100.

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"In doing so, I wish to invite the attention of the Government and of the House to certain, what I consider to be, unsatisfactory features of the administration in this demand. In the Administration Report reviewing Survey, Settlement and Land Records department for 1919 to 1920, there is a statement showing the charges and recoveries on account of survey of estates, municipalities and unions and in that year I find a sum of Rs. 1,17,689 as the unrecovered balance. In the succeeding year, this amount has increased to Rs. 1,82,119. That shows that money that is due to Government is not being recovered with the promptitude that one would associate with the Government and their officers."

The hon. Sir CHARLES TODHUNTER:—"May I ask the hon. Member where he is quoting the figures from?"

Mr. A. RANGANATHA MUDALIYAR:—"I am citing from the Administration Report reviewing the Survey, Settlement and Land Records department for 1919–20 and 1920–21."

The hon. Sir CHARLES TODHUNTER:—"May I ask, Sir, what the item is referred to as the outstandings in this particular department, viz., Survey?"

Mr. A. RANGANATHA MUDALIYAR:—"I have a copy of the general report where the total arrears irrecoverable are given. And I think I am in order in reviewing the administration of the department as a whole."

The hon. Sir CHARLES TODHUNTER:—"May I rise to a point of order? The Government are found fault with for not recovering without our knowing what amount it is that we failed to recover in this particular item."

Mr. A. RANGANATHA MUDALIYAR:—"The hon. Member may look at the figures at leisure. The second point I wish to draw attention to is the specially high salary at which several settlement officers are employed. If you turn to page 40 of the budget you will notice that there are Assistant Settlement officers on pay varying from Rs. 300 to Rs. 600. I think, Sir, if officers on Rs. 300 or on sums slightly above are quite able to do the work, I do not see any reason why more costly officers should be employed.

"The third and, in my opinion, the most important point which I wish to urge is about the revenue registration. It may perhaps be a question, Sir, what connexion there is between revenue registration and survey and settlement. The survey committee of 1914 have answered that question for us. They said that they could not see any theoretical or practical reason for distinguishing between a survey and the other operations which culminated in the registration of title. Now, we shall consider how far this registration of title is satisfactorily done by the Government under the existing system. In paragraph 58 of their report, the survey committee comment upon it in the following terms:—

4-15 p.m.

'Apart from the essential consideration that, by failing to keep registry up to date, the state is neglecting a duty imposed on it by law and equity, we have a considerable body of evidence to show that the existing state of things causes general uncertainty as to title, gives scope for oppression and favouritism on the part of village officers, leads to excessive litigation, frequently based on improperly drawn up documents or on oral evidence, true or false, and helps to explain the somewhat contemptuous attitude sometimes adopted by Civil Courts towards revenue registers, maps and proceedings. Village officers have notoriously to keep private registers of occupancy, irrespective of the revenue registers, in order to make the collection of revenue possible. The general trend of our evidence is to show that, except for a short interval

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after each settlement, about 50 per cent of the names entered in the revenue register do not correspond with the facts, the registered pattadar *not* being the proprietor, nor in many cases the person in independent possession of the land ;'

"I would like the hon. the Revenue Member to pause and consider over this fact that within a very short interval after the close of settlement operations, the whole thing seems to get back again into the original chaotic condition. And then they proceed :—

'the entries sometimes stand in the name of deceased persons. This is clearly anomalous and demoralizing; it is also prejudicial to discipline : for the karnam, having a private monopoly of the knowledge required for the purpose of collecting revenue, has his immediate superiors to some extent in his power, as his suspension or dismissal might make the prompt collection of revenue very difficult. Another result of the inaccuracy of the registers is that, at present, Revenue authorities have frequently to seek the aid of the Registration Department, in order to obtain information in connexion with loans and cases of co-operative credit, etc.'

"As a remedy for these things, they suggest the adoption of certain measures in their report, e.g., in paragraph 115 of their report, but I fail to see why, so far, the Government have not been able to act up to the recommendations made. On the other hand, all their proposals seem to be still under consideration. In G.O. No. 2657, dated 3rd December 1921, at the end they say :—

'The question of the creation of a system of record of rights has been engaging the attention of Government for many years.'

"Still they are engaged in considering the qustion. That was why, Sir, on the previous occasion I hesitated to accept a mere statement on the part of the Government that the thing will receive their consideration. Here is a thing which has been engaging their consideration for a series of years and still we are now no further than where we were before. The Government order referred to by me states that

'During the year the experimental scheme suggested by the Inspector-General of Registration for the maintenance of a partial record of rights by the Registration department was carried on.'

"I do not know when the scheme was recommended and why the scheme recommended by the survey committee was not at all taken on hand.

"With a view to draw the attention of the House and the Government to these facts, Sir, I have tabled for a reduction of Rs. 100."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, if there is any occasion when I should take advantage of opportunity to expedite work by raising the plea of want of notice, I think it is this. For, I do not think I can venture within the short time at my disposal to enter into the pros and cons of the various issues which the hon. Member has raised, quoting as he did from various official documents. That would take me a few hours to explain. Therefore, Sir, I shall not attempt to make any explanation on that matter. If the hon. Member brought himself on the agenda merely with a view to an expression of his opinion, I think that object has now been accomplished."

Mr. A. RANGANATHA MUDALIYAR :—"I want also, Sir, to elicit the opinion of the Government as to the policy they want to pursue hereafter."

The hon. the PRESIDENT :—"Order, order. I presume that the hon. Member has not previously acquainted the Government that on this motion these are the points which he will raise. He has presumably not done so ; and of course he is not bound to do it. That being so, I must also say, in

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fairness to the Government Member called on to explain, that, if an hon. Member raises a number of points upon an administration report in the course of a motion for a reduction of grant, though he is technically in order, the hon. Member of Government cannot be accused of any discourtesy if he says that these things have come up to him only just now, that he has no time to look into them, nor will he be in a position to deal with them satisfactorily within the short time at his disposal. It is a matter entirely within his discretion to say that and I believe that is what he says now."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Yes, Sir."

Mr. A. RANGANATHA MUDALIYAR:—"I never made a demand of that sort, Sir. I am glad, however, that the hon. the Revenue Member has acquitted me of a desire to advertise myself here. As such an intention has been disclaimed by the hon. the Revenue Member, I have no objection to withdraw my motion and, accordingly, do so."

The motion was by leave withdrawn.

Motions 120 *to* 143.

The following motions were not made:—

Mr. B. MUNISWAMI NAYUDU:—

120. *To reduce the allotment of Rs.* 7,68,150 *for revenue inspectors by Rs.* 25,000.

Rai Bahadur T. M. NARASIMHACHARLU:—

121. *To reduce Rs.* 7,68,150, *cost of* 1,069 *inspectors, by cost of* 125 *revenue inspectors.*

Rao Bahadur C. V. S. NARASIMHA RAJU:—

122. *To reduce the allotment of Rs.* 7,68,150 *for revenue inspectors by Rs.* 52,500.

Sriman SASI BHUSHANA RATH Mahasayo:—

123. *To reduce the allotment of Rs.* 7,68,150 *for revenue inspectors by Rs.* 42,000.

Mr. B. MUNISWAMI NAYUDU:—

124. *To reduce the allotment of Rs.* 36,600 *for leave allowance by Rs.* 25,000.

Rai Bahadur T. M. NARASIMHACHARLU:—

125. *To reduce the allotment of Rs.* 1,90,000 *for travelling allowance by Rs.* 30,000.

Mr. K. SARABHA REDDI:—

126. *To reduce the allotment of Rs.* 1,90,000 *for travelling allowances to executive subordinates by Rs.* 95,000.

Mr. B. MUNISWAMI NAYUDU:—

127. *To omit the allotment of Rs.* 1,22,280 *for duty allowance.*

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Rai Bahadur T. M. NARASIMHACHARLU :—

128. *To omit the allotment of Rs.* 1,22,280 *for duty allowance.*

Mr. K. SARABHA REDDI :—

129. *To omit the allotment of Rs.* 1,22,380 *for duty allowance for executive subordinates.*

Rai Bahadur T. M. NARASIMHACHARLU :—

130. *To omit the allotment of Rs.* 3,000 *for anticipated increase owing to revision of establishments.*

Rao Bahadur T. BALAJI RAO NAYUDU :—

131. *To reduce the allotment of Rs.* 42,24,800 *for preparing revenue and agricultural statistics by Rs.* 2,61,390.

Rai Bahadur T. M. NARASIMHACHARLU :—

132. *To omit the allotment of Rs.* 72,000 *for establishment for survey, record-of-rights, etc., of estate lands.*

Rai Bahadur T. M. NARASIMHACHARLU :—

133. *To omit the allotment of Rs.* 15,000 *for temporary establishment.*

Mr. K. SARABHA REDDI :—

134. *To reduce the allotment of Rs.* 9,000 *for travelling allowance to the executive subordinates for maintenance of land records by Rs.* 4,500.

Mr. K. SARABHA REDDI :—

135. *To reduce the allotment of Rs.* 1,235 *for travelling allowance to executive subordinates for maintenance of survey of municipal towns and unions by Rs.* 613.

Mr. A. RANGANATHA MUDALIYAR :—

136. *To reduce the allotment of Rs.* 8,700 *for maintenance of survey of municipal towns and unions by Rs.* 100.

Mr. B. MUNISWAMI NAYUDU :—

137. *To reduce the allotment of Rs.* 43·09 *lakhs for land records by Rs.* 1,00,000.

Mr. A. RANGANATHA MUDALIYAR :—

138. *To reduce the allotment of Rs.* 43,09,000 *for land records by Rs.* 100.

Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB :—

139. *To reduce the allotment of Rs.* 11,41,588 *for the provision of munsifs by Rs.* 100.

140. *To reduce the allotment of Rs.* 52,772 *for monigars by Rs.* 100.

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Mr. C. V. VENKATARAMANA AYYANGAR :—

141. *To reduce the allotment of Rs.* 38,78,264 *for allowance to district and village officers—ryotwari village officers—by Rs.* 100.

142. *To reduce the allotment of Rs.* 5,97,056 *for proprietary estates village service by Rs.* 100.

Rao Bahadur T. BALAJI RAO NAYUDN :—

143. *To reduce the allotment of Rs.* 48,08,011 *for allowances to district and village officers by Rs.* 6,30,228.

Motion 144.

Diwan Bahadur M. KRISHNAN NAYAR :—"I beg to move, Sir, the following motion standing in my name :—

144. *To reduce the allotment of Rs.* 48,08,011 *for allowances to district and village officers by Rs.* 100.

"With reference to what you were pleased to state a few minutes ago regarding the desirability of giving previous intimation to the Member in charge, of the object with which such motions are brought, I may, with the permission of my hon. Friend, at once say that I spoke to him the day before yesterday evening privately as to what my object in bringing this motion was. My object in bringing this motion is simply to bring to the notice of Government and also the hon. Member in charge the policy that should be pursued with reference to these village officers, namely that their pay should be increased. My hon. Friend, the Revenue Member, after I gave notice of this motion, has spoken more than once when dealing with the Court Fees Bill and the Stamp duties, about his sympathy with these village headmen and the desirability of increasing their pay. No doubt, the Council rejected the two Bills which were introduced by the hon. the Revenue Member with the specific object of finding funds for increasing the pay of village officers, but the Council did so for very good reasons. On various occasions various members of this Council have been impressing upon my hon. Friend the need for raising the pay of these village officers, especially after the pay of the village Karnams and menials has been increased. My hon. Friend has in a way stated that he is prepared to increase the pay of these officers. My object in bringing and moving this motion is to raise a debate on this question and to elicit a pointed reply from my hon. Friend on this specific question of increasing the pay of these village officers. With these words, I move it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I gladly welcome this opportunity, Sir, of trying to allay, if I can, any misgivings that might be lurking in the minds of the village officials as regards their future. I may at once inform the House that it was only the day before yesterday in the lunch interval that I received a deputation from the Presidency Village Officers' Association in regard to this same matter, and the reply which I gave to that deputation has, I think, already appeared in the newspapers which is fairly expressive of my opinion. I will again repeat, however, that it is the intention of the Government to take into consideration the claims of these people, and, as I have already told the House on the

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last occasion, I intend to come up before the House with a supplementary demand after all these demands have been voted upon and ask the sanction of the House to incur that expenditure which will result in increasing the deficit and our going up to the Government of India to lend us that amount also. That information, I think, I gave the House on the last occasion as well. I am not now in a position to discuss the details in regard to the actual increases that are proposed in respect of each class of officials. They are too many and too detailed. However, when I do come up before the House with a motion, I shall be in a position to explain those details more clearly. Let me repeat, Sir, that I have always had my sympathy for the village officials, and I shall continue to show the same sympathy towards them."

Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, after having heard my hon. Friend who is prepared even to borrow for the purpose of increasing the pay of these village officers, if the House will kindly permit me to withdraw my motion, I want to withdraw it."

The motion was by leave withdrawn.

Motions 145 *and* 146.

The following motions were not made :—

Mr. A. RANGANATHA MUDALIYAR :—

145. *To reduce the allotment of Rs.* 48,08,011 *for allowances for district and village officers by Rs.* 100.

Mr. B. MUNISWAMI NAYUDU :—

146. *To reduce the allotment of Rs.* 1,61,76,223 *for land revenue by Rs.* 5,00,000.

Motion 147.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I do not wish to take much of the time of the Council. I think it is necessary that in considering the question of economy we should consider the question of the simplification of village accounts. I have spoken about this several times. There is no use effecting retrenchment in the departments unless we go to the very bottom and examine which portion of the village accounts are necessary and which portion should be deleted. It is only just to bring this to the notice of the Revenue Member that I gave notice of this motion. I do not think any discussion with reference to the retrenchment of the revenue establishments would be fruitful unless this very salutory reform is effected. So I move— 4-30 p.m.

147. *To reduce the allotment of Rs.* 1,61,76,223 *for land revenue by Rs.* 100."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" It will comfort the hon. Member to know that for some time past the simplification of the village accounts has been engaging my attention. I have already consulted the Board of Revenue on the matter. I have got some information. I have not yet had the time on account of the stress and strain for the past three months of the Legislative Council to examine it very minutely. After this is over I hope to set myself to that work, and if

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I succeed in bringing about any simplification in the village accounts I will be very glad to do so."

On the assurance of the hon. the Revenue Member the motion was by leave withdrawn.

Motions 148 *and* 149.

The following motions were not made :—

Rao Bahadur T. A. Ramalinga Chettiyar :—

148. *To reduce the allotment of Rs.* 1,61,76,223 *for land revenue by Rs.* 1,00,000.

Mr. A. Ranganatha Mudaliyar :—

149. *To reduce the allotment of Rs.* 1,61,76,223 *for land revenue by Rs.* 100.

Motion 150.

Rao Sahib P. C. Etirajulu Nayudu :—" I move—

150. *To reduce the allotment of Rs.* 7,000 *for travelling allowance by Rs.* 3,500.

"The principle has already been exhaustively discussed and accepted by the House, and I do not want to take up any more time in discussing it. I only want to say that wherever possible reduction should be made."

The hon. Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur :—" This amount is in respect of travelling allowance to the members of the Board of Revenue who appear under that particular head. This includes provision for one member who is employed on land revenue work, and another member who is employed on income-tax work. Inasmuch as we have no definite orders yet from the Government of India in regard to the separation of the income-tax work altogether from the Board of Revenue and the entire establishment and other expenses incidental to the Income-tax Commissioner, we are not in a position to reduce it. As soon as we have definite orders from the Government of India, I assure the House that all the expenses connected therewith will disappear from our Budget. In the meantime it is not possible to accept the motion."

The motion was by leave withdrawn.

Motions 151 *to* 161.

The following motions were not made :—

Mr. C. Ramalinga Reddi :—

151. *To reduce the allotment of Rs.* 7,000 *for travelling allowance by Rs.* 3,500.

Mr. T. Arumainatha Pillai :—

152. *To reduce the allotment of Rs.* 7,000 *for travelling allowance by Rs.* 3,500.

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Mr. W. VIJAYARAGHAVA MUDALIYAR :—

153. *To reduce the allotment of Rs.* 7,000 *for travelling allowance by Rs.* 3,500.

Mr. O. TANIKACHALA CHETTIYAR :—

154. *To reduce the allotment of Rs.* 7,000 *for travelling allowances by Rs.* 3,500.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

155. *To reduce the allotment of Rs.* 1,06,786 *for Board of Revenue, financial commissioners and establishments by Rs.* 50,000.

Mr. B. MUNISWAMI NAYUDU :—

156. *To reduce the allotment of Rs.* 1,06,876 *for secretariat and head-quarter establishments by Rs.* 13,000.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—

157. *To reduce the allotment of Rs.* 1,06,786 *for financial commissioners and establishments by Rs.* 40,000.

Mr. A. RANGANATHA MUDALIYAR :—

158. *To reduce the allotment of Rs.* 1,06,786 *for Board of Revenue, finance commissioner and establishment by Rs.* 100.

Mr. C. V. VENKATARAMANA AYYANGAR :—

159. *To reduce the allotment of Rs.* 1,06,786 *for the Board of Revenue by Rs.* 100.

Mr. T. ARUMAINATHA PILLAI :—

160. *To reduce the allotment of Rs.* 1,20,000 *for travelling allowances by Rs.* 12,000.

Rao Bahadur P. C. ETIRAJULU NAYUDU :—

161. *To reduce the allotment of Rs.* 1,20,000 *for travelling allowances by Rs.* 12,000.

Motion 162.

Mr. B. MUNISWAMI NAYUDU :—" My motion is—

162. *To reduce the allotment of Rs.* 1·20 *lakhs for travelling allowances by Rs.* 12,000.

" I move this on the ten per cent basis accepted by the House."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I am afraid, Sir, that this is a much more difficult case than the other one; because this relates to the travelling allowance of the general establishments employed in the district and not the survey or settlement establishments against whom we have spent all our activities. This relates to the general revenue establishment. I think the hon. Members of the House will realise that just at the present moment and for some time to ome it will be necessary for every officer in the Revenue Department to be onstantly on the move, to tour often, and to tour much more intensively han ever he had done, with a view to keep himself in touch with the people

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of the district. If therefore any reduction is made in this allotment under which the lowest possible amount has been entered then it will retard travelling considerably. It will force these officers to remain only at headquarters. It is desirable that the revenue officers should go about constantly. Otherwise every individual and every villager who has transactions with them will be forced to go to the taluk cutcherry for any information or for any complaint that he may have to lodge. We expect the tahsildars to go round always and ascertain matters for themselves and try to rectify the grievances, if any; similarly also in the case of the revenue divisional officers and the other superior officers of the department. At the present moment I think it will be false economy to indulge in reducing the travelling allowances in respect of these officials which would curb their movement and affect prejudicially the interests of the department. Therefore, I cannot agree to the motion."

The hon. Sir LIONEL DAVIDSON :—" This is not only a land revenue issue but an issue affecting the interests of law and order. I cannot possibly consent to give anything in the nature of an instruction that district magistrates should restrict their touring in cases where it is necessary for them to visit parts of their districts where disturbances arise or are apprehended. If any reduction in this provision is made, it will be against the considered advice of the Government as tendered both by myself and by my hon. Colleague Mr. Habib-ul-lah Sahib. I should like to emphasise what he has said, viz., if in consequence of this reduction circumstances arise which make it plain that additional funds are required, the Government must come forward with applications for supplemental grants to make up such amount as may be found necessary. I certainly cannot advise any restriction of touring which might conflict with the interests of law and order."

Mr. B. MUNISWAMI NAYUDU :—" I understood the hon. Revenue Member to say that tahsildars are included in this. In view of the circumstances stated by the hon. Sir Lionel Davidson I withdraw my motion."

The motion was by leave withdrawn.

Motions 163 *to* 177.

The following motions were not made :—

Mr. C. NATESA MUDALIYAR :—

163. *To reduce the allotment of Rs.* 1,20,000 *for travelling allowances by Rs.* 12,000.

Mr. C. RAMALINGA REDDI :—

164. *To reduce the allotment of Rs.* 1,20,000 *for travelling allowances by Rs.* 12,000.

Mr. R. SRINIVASA AYYANGAR :—

165. *To reduce the allotment of Rs.* 1,20,000 *for travelling allowances by Rs.* 20,000.

Dr. P. SUBBARAYAN :—

166. *To reduce the allotment of Rs.* 1,20,000 *for travelling allowances by Rs.* 12,090

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Mr. O. TANIKACHALA CHETTIYAR :—

167. *To reduce the allotment of Rs.* 1,20,000 *for travelling allowances by Rs.* 12,000.

Mr. W. VIJAYARAGHAVA MUDALIYAR :—

168. *To reduce the allotment of Rs.* 1,20,000 *for travelling allowances by Rs.* 12,000.

Mr. C. V. VENKATARAMANA AYYANGAR :—

169. *To reduce the allotment of Rs.* 1,20,000 *for travelling allowances by Rs.* 20,000.

Rao Sahib U. RAMA RAO :—

170. *To reduce the allotment of Rs.* 1,20,000 *for travelling allowances by Rs.* 20,000.

Rao Sahib U. RAMA RAO :—

171. *To omit the allotment of Rs.* 55,000 *for discretionary grants by Collectors.*

Mr. T. ARUMAINATHA PILLAI :—

172. *To reduce the allotment of Rs.* 12,09,500 *by Rs.* 3,00,000.

Rai Bahadur T. M. NARASIMHACHARLU :—

173. *To reduce the allotment of Rs.* 12,09,500 *for general establishment, district administration, by Rs.* 1,00,000.

Mr. C. NATESA MUDALIYAR :—

174. *To reduce the allotment of Rs.* 12,09,500 *for district administration establishment by Rs.* 3,00,000.

Mr. C. RAMALINGA REDDI :—

175. *To reduce the allotment of Rs.* 12,09,500 *by Rs.* 3,00,000.

Dr. P. SUBBARAYAN :—

176. *To reduce the allotment of Rs.* 12,09,500 *by Rs.* 3,00,000.

Mr. O. TANIKACHALA CHETTIYAR :—

177. *To reduce the allotment of Rs.* 12,09,500 *for general establishment, district administration, by Rs.* 3,00,000.

Motion 178.

Mr. T. C. TANGAVELU PILLAI :—" I move—

178. *To reduce the allotment of Rs.* 6,29,360 *for Deputy Collectors by Rs.* 1,00,000.

" In giving notice of this motion my desire is to know when the Government is prepared to get rid of these personal assistant deputy collectors who have no responsibility except acting as intermediaries."

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The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I think, Sir, I have more than once informed the House on previous occasions as regards the present position of the personal assistant deputy collectors. I think on the last occasion in connection with the general discussion on the budget I read an extract from the latest Government Order which had been issued on this matter. Government carefully examined the possibility of abolishing the post of personal assistants altogether. There were only eleven such appointments and of these four were abolished at once. There yet remains seven, and the districts in which they are employed are fairly important and large where the assistance of a gazetted officer at the headquarters during the absence of the collector in camp was considered essential. There is also the question of the possibility of the transfer of the treasury deputy collectors to the control of the Government of India yet under consideration. We have not therefore come to any definite conclusion regarding those seven officers pending the decision of the other question."

On the assurance given by the hon. the Revenue Member the motion was by leave withdrawn.

Motion 179.

The following motion was not made :—

Rai Bahadur T. M. NARASIMHACHARLU :—

179. *To omit the allotment of Rs.* 32,000 *for temporary establishment under Subdivisional establishments.*

Motion 180.

Mr. B. MUNISWAMI NAYUDU :—" My motion is—

180. *To reduce the allotment of Rs.* 3·25 *lakhs for travelling expenses by Rs.* 32,500.

" I find that in the revised estimate for 1921–22 the provision is Rs. 3,05,000, whereas in the budget estimate for 1922–23 the amount is put down as Rs. 3,40,000. The difference is about Rs. 35,000. The amount to be reduced has been calculated on the ten per cent basis."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, attention has been drawn to the fact that whereas in the budget estimate for the year 1921–22 the amount was entered as 2 lakhs and odd, the budget amount for the year 1922–23 is 3 lakhs and odd. The hon. Member therefore comes to the conclusion that we have provided for more during the coming year than what we found necessary to spend in the current year. The hon. Member will recollect what I said during the budget discussion last week."

" Reference was made by my friend Mr. Venkataramana Ayyangar to the fact that in the current year the number of sub-collectors entered was seventy-six, whereas for the year following it was only fifty, and that the allotment in the current year was considerably less than that provided for next year, and he asked why when seventy-six sub-collectors were costing less, fifty were going to cost more. It was then stated, Sir, that during the current year there were no more than thirty-five sub-collectors actually working, whereas in the next year we expected the full cadre of fifty to work. We therefore made additional provision for the pay in respect of the

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additional sub-collectors, namely, fifteen. Therefore, the amount of travelling allowance that would be required for these additional officers has also to be provided for. This provision does not merely represent the travelling allowance of these officers in their revenue capacity ; it also again concerns my hon. Colleague, Sir Lionel Davidson, who will be interested, I think, to say a few words about the necessity of this touring in their capacity as divisional magistrates."

The hon. Sir LIONEL DAVIDSON :—" I can only repeat, Sir, what I said in regard to the case of Collectors and District Magistrates, namely, that I cannot possibly be a party to any order recommending Subdivisional Magistrates to restrict their touring for motives of economy, if the circumstances or conditions render it necessary or expedient for them to proceed to any part of their respective divisions in the interests of law and order. They must have full discretion to proceed to places where disturbances arise or are apprehended."

Mr. B. MUNISWAMI NAYUDU :—" I only request the Government to act according to the principle contained in the resolution which has already been passed by this House. I now beg leave to withdraw my motion "

The motion was by leave withdrawn.

Motions 181 *to* 192.

The following motions were not made :—

Mr. R. SRINIVASA AYYANGAR :—

181. *To reduce the allotment of Rs.* 3,25,000 *for travelling allowances by Rs.* 25,000.

Mr. T. ARUMAINATHA PILLAI :—

182. *To reduce the allotment of Rs.* 3,40,000 *for travelling allowances by Rs.* 34,000.

Rao Bahadur P. C. ETIRAJULU NAYUDU :—

183. *To reduce the allotment of Rs.* 3,40,000 *for travelling allowances by* 34,000.

Mr. C. RAMALINGA REDDI :—

184. *To reduce the allotment of Rs.* 3,40,000 *for travelling allowances by Rs.* 34,000.

Mr. O. TANIKACHALA CHETTIYAR :—

185. *To reduce the allotment of Rs.* 3,40,000 *for travelling allowances and tentage by Rs.* 34,000.

Mr. W. VIJAYARAGHAVA MUDALIYAR :—

186. *To reduce the allotment of Rs.* 3,40,000 *for travelling allowances by Rs.* 34,000.

Rao Bahadur T. BALAJI RAO NAYUDU :—

187. *To reduce the allotment of Rs.* 15,84,400 *for subdivisional establishments by Rs.* 3,13,200.

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Mr. C. V. VENKATARAMANA AYYANGAR :—

188. *To reduce the allotment of Rs.* 15,84,400 *for subdivisional establishments by* 10,000.

Mr. A. RANGANATHA MUDALIYAR :—

189. *To reduce the allotment of Rs.* 15,84,400 *for subdivisional establishments by Rs.* 100.

Rao Badadur A. S. KRISHNA RAO PANTULU :—

190. *To reduce the total allotment of Rs.* 60,48,100 *for district administration by Rs.* 2,00,000.

Mr. B. MUNISWAMI NAYUDU :—

191. *To reduce the allotment of Rs.* 60,48,100 *for district administration by Rs.* 2,00,000.

Mr. A. RANGANATHA MUDALIYAR :—

192. *To reduce the allotment of Rs.* 22,54,500 *for Village Police by Rs.* 100.

Motion 193.

Mr. T. ARUMAINATHA PILLAI :—"I beg to move—

193. *To reduce Demand I, Rs.* 227·59 *lakhs, by Rs.* 5,00,000.

"Sir, I beg to state that this includes the travelling allowances, etc., to be reduced on the principles that have been laid down by this House. It also includes duty allowances and personal allowances and the increments of salaries of officers of the departments which come under this Demand I."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, I would merely invite the attention of the House once more to the activity which they have already displayed in regard to certain reductions which they have made in the Survey and Settlement departments particularly. In regard to the Land Revenue Department which is also included in the grand total of 227·59 lakhs, hon. Members will please turn to page 34 of the budget estimate from which they will be good enough to notice that every possible retrenchment has already been carried out by me, so much so that the cut has been made almost to the bone. The pruning knife has been applied very freely leaving only the blood arteries merely to continue throbbing. The expenditure in the year 1920-21 was 185·22 lakhs while the budget estimate for the current year was 199·34 lakhs. During the course of the year or before the year had expired we have already reduced the latter figure to 173·19 lakhs, whereas for the next year we have provided for not more than 163·56 lakhs, thereby showing that we have ourselves spontaneously, without any outside pressure, brought about a reduction of 10 lakhs in the Land Revenue Department alone. I would ask the House, therefore, whether with this progressive reduction which has been made by the Government in the course of two years, and in view also of the fact that the proposed expenditure during the next year is nearly 23 lakhs less than the actual expenditure in 1920–21, it will still consider that the allotment entered for the next year is capable of further reduction, unless of course we mean to bring about something like an absolute paralysis of the important limbs of

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the body politic so as not to make it work effectively. I therefore appeal to the House, seeing that we have already carried out certain economies and having given us now an indication of the lines on which they want further retrenchments to be carried if possible, not to go further and make an indefinite cut in the total allotment without anything like a definite expression of opinion as to the direction in which that has to take effect or as to the manner in which that total reduction should be spread, which, I am afraid, would be rather difficult for the executive to accept. I therefore ask the House not to press this motion."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, I beg to support this motion, and I am surprised to see that the hon. the Revenue Member should oppose this very modest reduction. Of course, this is a general reduction and we see how such reductions are carried in other legislatures. So far as we see, the Legislative Assembly has cut down, so far, more than 5 per cent of the expenditure, and in the Punjab more than $3\frac{1}{2}$ per cent has been cut down. There is no reason why this very modest request of this Council should not now be granted. The hon. the Revenue Member charged us by saying that this is a very vague and general proposal. We say that we have given indications already to the hon. Member as to where the retrenchments could be effected. In these 200 motions there is ample evidence to show where these 5 lakhs and even more can be cut. Under these circumstances, the hon the Revenue Member can surely accept this, what I call, very modest reduction."

Mr. M. RATNASWAMI:—"Sir, the hon. the Revenue Member, answering my charge that the cost of collection of revenue was out of all proportion to the revenue, excluded the expenditure on Land Records and Settlement departments, saying that the Land Records and the Settlement departments have nothing to do with the collection of revenue. I do not know what other things than the collection of land revenue the Land Records department has to do. I think the Land Records department is meant to facilitate the collection of revenue to record the rights of Government and to define the dues to Government. Certainly it does not exist in order to serve as an historical manuscripts commission or to add to the beauty of the landscape or for the sake of the rotundity of the revenue system. Then again with regard to the Settlement department, he wanted to exclude that also from consideration in the matter of the collection of revenue. The Settlement department has much more to do with the collection of revenue than the Land Records department. But I think the Settlement department is a very costly department. I go even further and say that this department is also unnecessary. This is not merely an academic opinion but it is the opinion of a Revenue expert whom even the hon. the Revenue Member would have to respect. It is the opinion of Mr. Baden Powell, who in his great work on land revenue systems pointed out so long ago as 1892 that the abolition of the separate settlement staff was everywhere contemplated and went on to say that the 'records kept correct from year to year would never need entire renewal and any future assessment will merely be a revision of the rates on the soil-classification and other data already recorded and so can be done by the ordinary district staff.' Now, at a time like this, when we are all looking forward to reducing the expenditure, I think the Revenue department of the Government of Madras should seriously consider the question of reducing the cost of the Settlement department. The history

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and record of the Settlement department suggest a riddle and its answer, i.e., 'when is a settlement not a settlement?' the answer being. 'When it is made by the Revenue department of the Government of Madras.'

"With regard to the cost of collection of land revenue, by excluding the Land Records department and the Settlement department, and by a number of other exclusions, the hon. the Revenue Member came to the conclusion that it was only 14 per cent of the total revenue. The hon. the Minister for Development the other day deplored that he was not a magician, but he reckoned without the presence of the Revenue Member in the Cabinet. For the Revenue Member, it seems to me, has, by a juggling of the figures, reduced the expenditure from 30 per cent to 14 per cent. From a consideration of the charges of the collection of revenue in the different provinces, we find that Madras tops the list—it has the proud privilege of topping the list in regard to the cost of collecting the land revenue. The Madras percentage comes to 22 per cent., Bombay 21, Burma 14, Assam 17, United Provinces 15 and the Punjab 17. I did not take the cost of collection in Bengal as it has a permanent settlement. I put it to the hon. the Revenue Member, why he and his department should not try seriously to consider the question of reducing the cost of collecting land revenue in the Madras Presidency. If we want to go for a parallel for this abnormal cost of collection, we must go to the *Ancien* regimé in France, when the charges of collection of revenue swallowed a good deal of the revenue collected. I can only hope that the fate of the *Ancien* regimé in France should teach a lesson to the Government of Madras.

"Well, Sir, in other progressive countries with the progress of civilization and with general material advancement the cost of collecting revenue has always been reduced proportionately. In India generally and in Madras in particular the cost of collecting revenue has gone on increasing with the progress of civilization. I think that that is a matter which deservesto be inquired into carefully. The hon. the Finance Member in his opening speech stated and he was gratified in saying that he was the conscience of the Council. Well, Sir, there are two kinds of consciences. There is the good conscience of the good statesman which forces him to review his faults and defects and to correct those faults and defects. There is also another conscience, the bad conscience of the indifferent statesmen which allows him to let things be as they are, and to refuse to disturb vested interests. Now in a time like this, I think the good conscience of the hon. the Finance Member should assert itself against—I do not call it the bad conscience of the hon. the Revenue Member—the indifferent conscience of the hon. the Revenue Member and try to assert economy against the principles of extravagance asserted by the hon. the Revenue Member."

5 p.m.

The hon. Sir CHARLES TODHUNTER :—"Sir, I have been referred to as the conscience of the Council and in this matter of the collection of the revenue I hope I shall be excused if I take the privilege of a conscience and speak plainly. In this matter what the Revenue department reflects is the genius of the people of Madras. Madras is notorious for the way in which it does things to ten places of decimals, and the Revenue department is no exception to the rule. I quite agree, Sir, that it may be possible by making radical changes of policy to make great reductions in the establishment. But I should be sorry to anticipate what the effect of those changes would be upon the economics of the village. The hon. Member who has just spoken

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talked of vested interests as if it were the vested interests of the officers of the department that were concerned. I venture to say, Sir, that the vested interests concerned are the vested interests of the ryot. The net result of our very detailed system of administration is that we protect the interests of the small man. It may be that, if we were to make a permanent settlement or even to settle with the village as in other provinces, we might be able to collect our land revenue more cheaply. It may be that as a result the land would be concentrated in the hands of more enterprising people. But at the same time the small man would go under, and I think that, if we are going to examine the big question of policy, we must examine it from the point of view, among others, of whether we are going to allow the small man to be swallowed up by the larger cultivator."

Mr. M. RATNASWAMI :—" Is not the 'small man' protected in Burma and other places, Sir?"

The hon. Sir CHARLES TODHUNTER :—" I venture to answer that question in the negative. There is no system anywhere in India which goes into the same meticulous details as ours does. Whether we go too far or not I do not venture to say, though it may certainly be truly said that our system gives facilities for the fractionisation of holdings which has been held to be economically a very bad system. But I do venture to say that we ought not suddenly, by taking a lump sum out of our budget, attempt to alter the whole of the village economic system of the Presidency. While I am quite ready to have the question of policy examined, I put it to the Council that it should be examined as a question of policy in the first instance. I have already told the Council more than once, and the members of the Finance Committee have told the Council, that as a result of their scrutiny of the budget they have made all the economies that can be made without radical changes of policy. What remains now is to examine the radical changes of policy which may facilitate further economies. That is the next step. There are many questions of policy which may be examined, but I venture to think that whatever view we take of them we cannot possibly alter our budget in anticipation of these radical changes being made.

" Then, Sir, the practice of the Assembly has been referred to. What I should like to say with regard to that is that the Assembly have only just appointed their retrenchment committee and have made a beginning in the way of percentage reduction in anticipation of the changes the retrenchment committee is going to make. We, on other hand, have already made our reductions before presenting the budget. The Finance Committee has been at work on the budget for weeks and the work which the Assembly are now going to commence is the work that has already been done here by our Finance Committee. In the case of land revenue, the hon. the Revenue Member has already shown that there has been a cut already of much more than 5 per cent. I should like to say this further with regard to the policy of percentage reduction. The effect of the Assembly making reductions of this sort, in so far as they affect establishments employed in the Provinces upon Central subjects, is to impose upon us the odium of making the detailed cuts which will make up the 5 per cent. The hon. the Mover has attempted to follow the example of the Assembly in this matter. I would invite attention to the fact that this motion is not a single motion but the last of a series of motions which he has brought on this budget. So far as I have been

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able, within the short time available, I have totalled up the amounts of his various motions and find that the total comes up to Rs. 1,89,250. What does this mean? I take it that he has examined the budget with great care and has been able to pick out items aggregating something well under 2 lakhs which he thinks might be reduced. Where then is the balance of 3 lakhs to come from to make up the 5 lakhs he now asks us to cut out. It amounts to this: he comes to us and says, 'I cannot find items to cover these 3 lakhs and odd; but I call upon the hon. the Revenue Member to do so. I am not prepared to take the odium of cutting the pay of officers. But I will throw the odium of doing so upon the Revenue Member'. And I ask whether it is quite fair to my hon. Colleague to cast such a duty upon him."

Mr. T. ARUMAINATHA PILLAI:—"Sir, it is only the hon. the Revenue Member and the hon. the Finance Member that have got the power to do that."

The hon. Sir CHARLES TODHUNTER:—"I venture to say, Sir, that this Council has the power in so far as the votable items are concerned, while as regards the non-voted items the hon. the Revenue Member and the Finance Member are subject to higher authorities and have no independent powers. Therefore, I say that it was within the power of the hon. Member, if he could pick up items totalling 5 lakhs, to propose the specific reductions up to that amount which he desires to make, and I suggest that the reason why he has not done it is in order to put the odium of cutting out people's pay, which he will not take, upon the shoulders of my hon. Colleague.

"As I have already stated, the items which he has suggested for reduction give a total of Rs. 1,89,250. The House have already cut out items to the total of Rs. 1,61,700. It is not going to be an easy matter to carry on the administration even with that reduction. Some hon. Members have told us that we will be welcome to bring forward supplementary demands if the amount is not enough. But I ask, if we bring forward supplementary demands, how are they going to be met. If this budget is passed, we have to go to the Government of India for a loan to cover our deficit. We shall have difficulties enough to get the Government of India to sanction the money which we now want. We cannot go up for additional loans from time to time throughout the year whenever we find we are unable to carry on. So, Sir, I ask the Council as a responsible body to assume its responsibility in this matter, and if it wishes to cut the pay of Revenue officials to move resolutions making definite cuts. If the Council does this then we can tell the people who are affected that it is the Council which has cut their pay. I do not think it is fair to impose upon my hon. Colleague the duty of making a lump sum reduction and so indirectly putting him in the position of proposing reductions of scales of pay which have been sanctioned by the Secretary of State and which only the Council have now the power to alter."

Mr. C. RAMALINGA REDDI:—"Mr. President, the charge has been made that we reduced so far as specific items were concerned only to the extent of Rs. 1,61,700 and that we are now adopting the somewhat exceptional course of suggesting a lump sum reduction of about 5 lakhs and throwing the burden of the distribution of the cuts on the hon. the Revenue

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Member. I would like to point out, Sir, that in view of the large number of reductions proposed and the limited time at our disposal, it would not have been possible for us to go through item by item and that was the reason why so many of the reductions were not pressed to a division. Further we felt that we should give the Government discretion in the matter. They of course are much better posted in administrative matters than the Council. They know their mechanism from top to bottom and they have always expressed the greatest possible anxiety to effect economies and we thought we would supply them with a motive by reducing the grants. After all the reduction proposed is very small compared with the total appropriation of over 227 lakhs and odd. In Bombay after the budget was presented and before it was voted upon, the Government undertook to further reduce it by 60 lakhs, that is over half a crore. I distinctly remember that it was on that understanding that the House passed that budget and also consented to the introduction of certain taxation bills. In England too, so long as the question of economies was left in the hands of the departments themselves, very little was done. It is one of the curiosities of departmental psychology that it always considers itself to be infallible. We have had enough of the indifferent economies effected by the departments so far; and the only way we can force them to do it in right earnest is by making reductions of this kind. In England, as I just now submitted, a similar procedure was adopted before reductions of any tangible nature were made. We have had a similar thing in Bombay and in the Imperial Assembly. It has been stated that before the budget was presented reductions to the extent of more than 5 per cent were made. I am not now here to support any particular mathematical proportion, but it always happens that the final budget as adopted by the Government is far less than the appropriations asked for by the different departmental heads. That is nothing unusual. Certain economies have certainly been effected, but the question is: Are they enough? I am constrained to answer that they are not enough and that the small reduction now proposed will not in any way bring the Land Revenue department to a standstill or cause all those calamities that the hon. the Revenue Member apprehends."

Mr. B. MUNISWAMI NAYUDU:—"Sir, I rise to support the motion for reduction. Working out the figures, the reduction asked for would come to only 2 per cent of the demand. It has been asked why we should not point out some of the specific items which we want to reduce. I may draw the attention of the hon. Members to the item which has been included in the budget under leave allowances. In page 35 of the budget, under the head Special Fund Audit establishments a sum of Rs. 26,600 is entered, whereas nothing was provided for in the revised estimates for 1921–22."

The hon. Sir CHARLES TODHUNTER:—"May I say, Sir, that, as I have explained in my opening speech on the budget, the entry of this item is due to a new system of accounting which we have adopted in order to ensure greater accuracy? Previously we used to show the whole provision for the sanctioned cadre and under that a lump amount for probable savings. It is only because we have attempted to be much more exact that we have shown leave allowances separately."

Mr. B. MUNISWAMI NAYUDU:—"Last year in the budget the same items are provided and there is a probable saving of Rs. 20,000. This year the probable savings are taken

5-15 p.m.

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away and in their place we have this new item of leave allowances. Therefore, I submit, Sir, if these things are properly scrutinized, there will be a saving. In his memorandum the Finance Secretary says that this new item was introduced to avoid going to the Council for supplementary demands from time to time. I think, Sir, it is against the policy of this Council to admit such things. Therefore, I press this motion to a division."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I only wish to point out that the hon. the Finance Member has taken up a position which will satisfy few of us. He wishes us to give him definite proposals and if there is any odium incurred with respect to retrenchment the responsibility should lie with the Council. So far as this Council is concerned, we are prepared to take any odium and give the Government an opportunity of saving 5 lakhs of rupees. He blames us for giving him that liberty. It is not the function of the legislature to give cut and dried proposals. It is for the executive Government to frame proposals in accordance with the wishes of the legislature. I do not think that my hon. Friend was right when he said—

'If, therefore, the Council desire any change in the rates, it is, I submit, for the members interested to put forward a definite scheme and to carry it by a majority. Now the only things approaching a definite scheme which have hitherto been put forward are these.'

"I submit with due deference to him that when this Council expresses a general opinion that there should be a reduction, it is the duty of the executive Government to examine it with the object of giving effect to it. It is not the duty of this Council to give him material for criticism."

The hon. Sir CHARLES TODHUNTER :—" My friend has not quoted me completely. What I said was that the reserved portion of the Government having received orders of the Secretary of State for the revision of salaries of certain officers, we are bound by these orders. It is within the powers of the Council to alter it."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I only wish to add that we cannot put forward any definite scheme which, from whatever quarter it comes, I am perfectly certain, would be subjected to such criticism that it cannot stand. It is my hon. Friend who is competent to make a case just to all the parties concerned. It is asking too much of us to place definite proposals before him. The House gives him the liberty of framing definite proposals."

Mr. T. E MOIR :—" There are only one or two points which I would advance from the point of view of the Finance Department. We were most anxious to get proposals from all possible quarters as to any possible retrenchments. We made references to the other departments and dealt drastically with their proposals and as a result the official relations of the Financial Department with the other departments, while they may be described as correct, can hardly be said to be cordial. If, however, the Members of the Council would repudiate any responsibility to make detailed suggestions as to how further reductions should be carried out, it seems to be rather extraordinary that they have tabled something like 800 motions a large percentage of which do convey direct suggestions as to how economy should be carried out. There is only one other point I need refer to. It is the question of leave allowances which has given rise to some misapprehension owing to its being a new entry in the budget. I do not suppose that any

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Member supposes that hitherto those officers who go on leave have not been given leave allowances. It is, of course, not a new item that has been smuggled into the budget because, as I may point out, it is shown under the several heads frankly. It is an improvement in budgeting procedure and surely makes things clearer for the Council. It further obviates having to go to the Council every time some additional officer goes on leave and no reappropriation is possible. As to the method by which we calculated the amount, I need simply say that in the case of departments which have leave reserves like the Survey Department to which reference was made, we have made no provision. In the case of other departments we have, on the advice of the Accountant-General, provided an all-round sum of 5 per cent of the salaries and of $2\frac{1}{2}$ per cent in the case of vacation departments. I may say this provision may prove more or less inadequate, because, after all, every officer is entitled to take much more leave than one day out of every twenty days. I trust the Council will accept this explanation and believe that there has been no attempt to get round it in some mysterious way. If that had been our subject, surely we would have said nothing about it and concealed —not displayed—the provision.

"I do not think that there is anything more that I wish to say, Sir. If the hon Member wishes to press his resolution, I take it that every one of the reductions which has been made will be included in that 5 lakhs which is in itself a very big cut."

Diwan Bahadur R. Venkataratnam Nayudu moved that the question be put. The motion for closure was carried.

The hon. Sir LIONEL DAVIDSON.—"I should like to know, Sir, whether this 5 lakhs is inclusive or exclusive of the previous cuts."

The hon. the PRESIDENT.;—"The motion before the House is to reduce the total allotment of Rs. 227·59 lakhs by 5 lakhs."

The motion was put to the House and declared carried.

The hon. Sir Charles Todhunter demanded a pole and the same was taken with the following result;—

Ayes.

1. Mr. K. Adinarayana Reddi.
2. Mr. S. R. Y. Ankinedu Prasad.
3. Rao Bahadur V. Appaswami Vandayar.
4. Diwan Bahadur C. Arunachala Mudaliyar.
5. Rao Sahib S. Ellappa Chettiyar.
6. Rao Bahadur P. C. Ethirajulu Nayudu.
7. Rao Bahadur K. Gopalakrishnayya.
8. Sir P. Tyagaraya Chettiyar.
9. Mr. S. T. Shanmukham Pillai.
10. Rao Bahadur T. Balaji Rao Nayudu
11. Rao Bahadur T. A. Ramalinga Chettiyar.
12. Mr. C Ramalinga Reddi.
13. Mr. O. Tanikachala Chettiyar.
14. Mr. W. Vijayaraghava Mudaliyar.
15. Mr J. Kuppuswami.
16. Mr. B. Muniswami Nayudu.
17. Mr. V. Pakkiriswami Pillai.
18. Mr. P. T. Rajan.
19. Rao Bahadur A. Ramayya Punja.
20. Mr. K. Sarabha Reddi.
21. Mr. W. P. A. Saundara Pandiya Nadar
22. Mr. K. Sitarama Reddi.
23. Mr. N. A. V. Somasundaram Pillai.
24. Mr. P. Subbarayan.
25. Mr. A. Tangavelu Nayakar.
26. Mr. T. C. Tangavelu Pillai.
27. Mr. V. C. Vellingiri Goundar.
28. Diwan Bahadur R. Venkataratnam Nayudu.
29. Diwan Bahadur M. Ramachandra Rao Pantulu.
30. Diwan Bahadur M. Krishnan Nayar.
31. Mr. C. V. Venkataramana Ayyangar.
32. Sriman Biswanath Das Mahasayo.
33. Mr. S. Muttumanicka Achari.
34. Rai Bahadur T. M. Narasimhacharlu.
35. Rao Bahadur C. V. S. Narasimha Raju.
36. Mr. K. V. Ramachari.
37. Rao Bahadur Dr. C. B Rama Rao.
38. Rao Sahib U. Rama Rao.
39. Mr. A. Ranganatha Mudaliyar.
40. Sriman Sasi Bhushan Rath Mahasayo.
41. Mr M. R. Seturatnam Ayyar.
42. Mr. M. Suryanarayana Pantulu.

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Ayes—cont.

54. Khan Bahadur Muhammad Usman Sahib.
43. Mr. T. Arumainatha Pillai.
44. Rai Sahib E. M. Mascarenhas.
45. Mr. M. Ratnaswami.
46. Mr. S. Arpudaswami Udayar.
47. Mr. A. T. Palmer.
48. The Zamindar of Mandasa.
49. Mr. K. Prabhakaran Tampan.
50. Ahmad Miran Sahib Bahadur.
51. Saiyid Muhammad Padsha Sahib Bahadur.
52. Khan Sahib Muhammad Abdur Rahiman Sahib.
53. Munshi Muhammad Abdur Rahman Sahib.

Noes.

1. The hon. Sir Lionel Davidson.
2. The hon. Sir Charles Todhunter.
3. The hon. Khan Bahadur Muhammad Habib-ul-lah Sahib.
4. The hon. Mr. K. Srinivasa Ayyangar.
5. The hon. Rai Bahadur K. Venkata Reddi Nayudu,
6. The hon. Rao Bahadur A. P. Patro.
7. Mr. T. E. Moir.
8. Mr. C. W. E. Cotton.
9. Mr. R Littlehailes.
10. Mr. E. Periyanagam.
11. Mr. R. K. Shanmukham Chettiyar.
12. Mr. A. Ramaswami Mudaliyar.
13. Rao Bahadur T. Namberumal Chettiyar.

The motion was carried, 54 voting *for* and 13 *against* it.

The hon. the President then put the demand for Rs. 227·59 lakhs originally moved subject to a deduction of Rs. 5,00,000.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, there have been three other motions that have been carried."

The hon. the PRESIDENT :—"If the hon. Member looks at the original demand, he will find that the original demand is for 227·59 lakhs of rupees. The motion last carried is to reduce the total allotment of 227·59 lakhs by the sum of 5 lakhs If the total of deductions on individual items had exceeded 5 lakhs, that would have been a different matter. But as the total of the individual, deductions is less than 5 lakhs, the Government gets Rs. 227·59 minus 5 lakhs or 222·59 lakhs."

The motion was carried and the grant was made.

Diwan Bahadur M. KRISHNAN NAYAR :—"May I say, Sir, that we have received only the motions for reduction of grant regarding Demand II—Excise? That will occupy us only for to-morrow morning. We do not know where we are as regards the rest."

The hon. the PRESIDENT :—"The copies are coming in a few minutes and they will be despatched to the Members to-night."

The House then adjourned at 5-30 p.m. to meet again at 11 a.m. on Saturday the 18th March 1922.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

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The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Saturday the 18th day of March 1922, the hon. Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR Avargal, K.C.S.I., C.I.E., President, presiding.

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No.* 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

The duties of the Collector of Madras.

1376 *Q.*—Diwan Bahadur C. ARUNACHALA MUDALIYAR : Will the hon. the Member for Finance be pleased to state what the duties were of the Collector of Madras, prior to 1900, 1910, 1920, and in 1922 ?

A.—The Collector of Madras originally combined with the by no means inconsiderable duties of an ordinary Collector, in so far as they arise within the capital city, the following appointments :— (1) Chairman of the Harbour Trust Board, (2) Collector of Sea Customs, (3) Protector of Emigrants, (4) Superintendent of Stamps and (5) Superintendent of Stationery. He was relieved of the duties of Chairman of the Harbour Trust Board prior to 1900. Between 1900 and 1910 he was relieved of the duties of Collector of Sea Customs and his staff of assistants was more than proportionately decreased. Between 1910 and 1920 he was given the additional duties of a Paymaster of Carnatic Stipends. Meanwhile his work in connexion with the income-tax has very largely increased, the collections in 1920–21 being Rs. 69,99,132 as against collections of Rs. 31,23,673 in 1910–11. In 1922 the same work continues. It is not proposed that he should be relieved of any income-tax work when the bulk of the staff becomes Imperial.

Punitive Police in the disturbed mill area.

1377 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur : Will the hon. the Home Member be pleased to state—

(*a*) what is the total strength of the additional police force (punitive) located in the disturbed mill area with reference to the press communiqué dated the 17th September 1921 ;

(*b*) what is the estimated cost of such additional police force ;

(*c*) what is the total resident population of the area comprised within the Perambur police zone ; and

(*d*) whether the Government propose to exempt Government servants or any other loyal section of the public within that area from payment of the contribution towards the cost of the additional police force ?

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A.—(*a*) The total strength of the additional police is 2 Inspectors, 2 Sub-Inspectors, 4 Sergeants, 20 head constables and 200 constables.

(*b*) The approximate total cost of the additional police including the clerical staff is Rs. 71,500 for six months, the period for which the force has been sanctioned.

(*c*) The Government have no precise information.

(*d*) The Government have decided not to recover the cost of the force from any of the inhabitants.

Proportion of non-Brahmans in Public Service.

1378 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: Will the hon. the Member for Finance be pleased to state how the extension of the principle in Board's Standing Order No. 128 (2), accepted by the Government in connexion with the resolution moved by Mr. Tanikachala Chetti at the meeting of the Council held in August last, is proposed to be given effect to amongst the gazetted officers in the different departments of the Secretariat and in the office of the Board of Revenue?

A.—The question is under consideration.

Persons from the mufassal willing to come to the Secretariat or other offices in the City of Madras.

1379 *Q.*—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIB Bahadur: Will the hon. the Member for Finance be pleased to state—

(i) whether, with reference to G.O. No. 613, Public, dated 16th September 1921, he proposes to call for information as to the number of

(1) non-Brahman Hindus,

(2) Indian Christians, and

(3) Muhammadans,

in the mufassal offices who are willing and eligible to be employed in the Secretariat or other offices in the Madras City; and

(ii) if information has already been called for and obtained, whether he will place it on the table?

A.—The point on which the hon. Member desires information has no immediate connexion with G.O. No. 613, Public, dated 16th September 1921.

The Government are collecting information with regard to non-Brahman Hindus, Indian Christians and Muhammadans suitable for drafting into the Secretariat from mufassal offices, but cannot lay such papers on the table.

First-class special stipendiary magistrates.

1380 *Q.*—Mr P. SIVA RAO: Will the hon. the Home Member be pleased to state what steps the Government have hitherto taken to introduce the scheme of appointing special stipendiary magistrates of the first class and of divesting the present revenue divisional officers of their magisterial functions?

A.—The Government have sanctioned as an experimental measure the appointment of one stipendiary first-class magistrate in each of the districts of Coimbatore and Ramnad to try criminal cases exclusively.

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18th March 1922]

Police Sub-Inspectors of the Southern Range.

1381 Q.—Mr. M. SURYANARAYANA: Will the hon. the Home Member be pleased to state—

(1) how many officers from the cadre of sub-inspectors of police have been promoted to be circle inspectors since 1st January 1915 in the southern range;

(2) how many of the above are Indian Christians;

(3) what is the total strength of the cadre of sub-inspectors of police in the southern range; and

(4) how many of the above are Indian Christians?

A.—(1) 26.
(2) 1.
(3) 376.
(4) 42.

II

The Council resumed consideration of the budget for 1922–23.

DEMANDS FOR GRANTS.

DEMAND II—EXCISE.

The hon. Rao Bahadur A. P. PATRO:—"Sir, I beg to move for a grant not exceeding 30·38 lakhs under Demand II—Excise.

Motion 201.

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I beg to make the following motion:—

201. *To omit the allotmemt of Rs.* 32,160 *for two deputy commissioners.*

"Sir, this question of the desirability and the possibility of getting rid of the appointment of deputy commissioners in the Excise department was discussed at great length during the time of the budget discussion last year. The arguments for and against the reduction were both given in extenso on that occasion. It was then urged on behalf of Government that it was neither possible nor desirable to reduce the number of deputy commissioners in the Excise department. There were then four deputy commissioners. Since then, the Government have found it possible to abolish one out of these four posts, and the hon. the Finance Member has specifically referred to this abolition in his speech introducing the budget. So that, though last year it was thought by the Government that it was not possible to reduce any of these posts, the Government have found it possible to reduce the total number of these four by one this year."

The hon. Sir CHARLES TODHUNTER:—"The post that was abolished was not one of territorial commissioners. It was a specialist's post."

Diwan Bahadur M. KRISHNAN NAYAR:—"My argument holds good whether it was the territorial commissioner's post or any other post."

The hon. Sir CHARLES TODHUNTER:—"May I further say that the specialist's post was not of the grade of deputy commissioner but of assistant commissioner? It still exists."

Diwan Bahadur M. KRISHNAN NAYAR:—"My point is that it is desirable and possible to reduce all these four posts. The very fact that my hon. Friend has found it possible to reduce one of the posts shows that the position

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taken up last year that it was absolutely impossible to interfere with any of these posts was not correct. I will go further and say that it is certainly possible for the Government to proceed still further and abolish all these posts. What I was going to say before I was interrupted by my hon. Friend the Finance Member was that, since last year one of these posts has been abolished, and that there remain now three posts. Out of these three posts, one is non-votable and therefore untouchable. Therefore, there remain only two posts, and what I recommend in this resolution is that both these posts may be abolished. I do not propose, Sir, to go this year at length into the reasons for the abolition of these posts. They were considered already last year. These offices are what I may call intermediary posts serving as a sort of post office between the lower posts and the head of the department.

"My hon. Friend the Finance Member more than once referred in this Council to the attempts made by him in the Finance Committee to effect as much economy as possible without in any way interfering radically with the main policy of the Government. In fact, my recommendation is to effect a change in the policy by getting rid of these intermediary posts. Some of the functions that are now performed by these Deputy Commissioners, it is quite possible to transfer to the Assistant Commissioners, and the other functions to the head of the department. As I said, I do not think it necessary to go at length into this question this year. With these words, I move that the provision of Rs. 32,160 for these two Deputy Commissioners may be taken away."

The hon. Rao Bahadur A. P. PATRO :—"Sir, I am glad to have this opportunity that my hon. Friend has given me in moving his resolution to state what exactly the place which the Deputy Commissioners fill in the scheme of the Excise department. It will be no exaggeration to say that the present efficient state of the Madras Excise department has been built up by young European bachelors and civilians. It is to the incessant watchfulness, the incessant travelling and the exceptional energy and zeal that was shown, the driving power that was necessary in order to keep the whole staff in trim which they have displayed, we owe the present efficiency of the Excise administration and it has been an example to the whole of India. The Excise Committee, in reviewing the systems that are prevailing throughout India, have given high credit to the Madras system.

"But, Sir, this system, though it has worked very satisfactorily and has brought the whole into a very efficient state, latterly it was reorganized and under that re-organization, other elements have been introduced. The Anglo-Indian element was largely introduced. When the system has worked for some time longer the original efficiency lagged. Therefore it fell to the lot of our present hon. the Finance Member, when he was in charge of the department, to re-organize the whole thing, to infuse new life and new energy into the Excise policy in Madras. He found then that it was necessary to introduce energetic Indians into the service in order that by their experience they may qualify themselves to fill the place of Assistant and Deputy Commissioners. As a result, you find to-day many brilliant young men who have thus been encouraged to take up service in the Excise department. At one time, Indians did not have the courage to enter that department; the great physical strain and the arduous nature of the work deterred them from entering that service. But after the encouragement given by the hon. Sir Charles Todhunter, a number of young men have been coming up. I will show you presently how it is necessary that the deputy

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commissioners should be retained because they have to manage a very large number of subordinates. About 834 sub-inspectors have to be managed, their work has to be checked and supervised, the appointments have to be looked into, and the promotions either by selection or seniority have to be attended to. It is therefore necessary that a high and responsible officer should be in close touch with the work of the subordinates. During his tours he has to find out those subordinates who are slack in their duties and who are not up to the mark and deal with them suitably either by transferring them or by infusing new life into them and by other ways.

"Now coming to the deputy commissioners, I will show how these high officers at this present state are necessary. We are now in troublesome times. Hence it was found necessary for a deputy commissioner to go out and give courage and life even to the revenue officials. Recently, while the abkari sales were going on in the mufassal, there was trouble and the police and the revenue officials were not equal to the task."

11-15 a.m.

Rao Bahadur C. V. S. NARASIMHA RAJU :—"I wish to know whether this is an official statement."

The hon. Rao Bahadur A. P. PATRO :—"Yes, it is. As they were not able to cope with the situation, the deputy commissioner had to go out himself with his staff in order to keep the situation in hand."

Mr. A. RANGANATHA MUDALIYAR :—"Are not revenue officials also similarly indented upon for the work which the salt officers were not able to cope with ?"

The hon. Rao Bahadur A. P. PATRO :—"The deputy commissioner had been able to bring about order and had been able to evolve peace in that place. Not only in one place, in several places these high officials by their personal example and energy have been able to restore peace and order.

"I may refer to one deputy commissioner working in the Northern circle. He had been one of the competition wallahs who came into the service. We want people like him in order that there should be driving power given to the subordinates, that there should be more energy in them and that there should be more control over them. We want people like that so that by their example they may infuse new life into the subordinates and keep the Excise department in a high level of morality in comparison with either the Police or the Forest department. You will see that these officers are setting a personal example to their subordinates by their energy. By this I do not cast any reflection either on the Police or the Forest department. I say, in comparison with these departments you will find that the Excise department officers have been able to keep up a high level of official morality and efficiency. This is due entirely to the example set by the deputy commissioners.

"My hon. Friend stated that this work could be done by assistant commissioners ——"

Diwan Bahadur M. KRISHNAN NAYAR :—"I said 'partly'."

The hon. Rao Bahadur A. P. PATRO :—"In the ranks of the assistant commissioners we have got persons recruited years back and they are about to retire. After their retirement a better class of persons will be introduced and it will be possible then to consider the whole question. But in these

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troublesome times, you will agree with me that there is necessity for these officers in order that they may infuse life and vigour into these 834 subordinates.

"Let us now see what an assistant commissioner can do. Of the 11 assistant commissioners, 6 are in charge of both Abkari and Salt and their time is taken up with that. There are only three assistant commissioners whose time can be devoted for abkari purposes. If you want this power to be delegated to these assistant commissioners you will have to multiply the number of inspectors as well as the circles. So by abolishing one of the deputy commissioners you will have to increase the number of assistant commissioners or the number of inspectors. The whole question lies between Abkari and Salt, and it is a very complicated one. Unless there is a complete separation between the two it will not be possible to make any definite statement at present. Madras having been held as one of the best administered in the Excise department you will agree with me that we should keep up that reputation and the reputation of the officials managing and controlling the department. I therefore submit that at present it is not at all advisable that we should reduce the strength of the deputy commissioners.

"Some of my friends from the Ceded districts would agree with me that owing to the considerable amount of illicit distillation that is going on there and owing to the inefficiency of the subordinates in the Ceded districts —members from the Ceded districts have from time to time brought this to my notice—it is necessary that we should form the district into separate divisions and appoint energetic officers so that illicit distillation can be driven altogether out of that district. So, instead of reducing the number the House will agree with me that for the Ceded districts we may perhaps have to appoint another officer to reduce the drink and illicit manufacture and thus gradually arrive at what is most advocated by you and by me, viz., the goal. Therefore, in order that you should have efficient administration it is necessary that we should maintain these high officials. I therefore request my hon. Friend to withdraw his motion."

Mr. A. RANGANATHA MUDALIYAR:—"The House would have listened with mixed feelings to the speech made by the hon. the Minister in charge of Excise. Personally I am inclined to think that he did not put his heart into what he said. His predecessor who spoke at some length last year during the time of the budget wanted to tell us the duties that the deputy commissioners were doing. I am glad the present Minister has been wise enough to omit saying anything on this aspect, for, if he had attempted to say anything, he would have had very little to say on their behalf in that direction.

"He referred, Sir, to the fact that the efficient administration of the Excise department was due to the energy, youth, and the driving power of deputy commissioners. I would like to know the ages of the deputy commissioners with whom we are primarily concerned. I can state that they are pretty old and they have completed their services, but they are clinging to their offices because the age limit for retirement has not yet been reached.

"Then, Sir, it was said that the revenue officials are not equal to cope with certain situations when they arise. I strongly object to this statement. I think the officials of the revenue department are next to none in their efficiency, and in their conscientious discharge of duties. In any case, if the

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implication based on the argument that the revenue officials are not able to cope with certain situations is to be accepted, I can as well say that the police officials are altogether inefficient, because they invoke the aid of the magistrates on certain occasions when they cannot cope with the situation.

"It was stated that Indians had no courage to enter the service in this department. I think that statement should have been thought over twice before it was made. I contend that no opportunity was till now given to Indians to enter and rise in the service and that they have not as many facilities as the Europeans have to enter and prosper in the service. That is the reason why Indians do not care to enter this department. If the hon. the Minister in charge of Excise would give opportunities to Indians for entering this service, a number of people would be forthcoming.

"Then, Sir, he referred to the fact that illicit distillation was going on in certain districts. I mentioned last year that this was going on with the knowledge or connivance of the officials of the department concerned. Then the hon. the Finance Member stood up valiantly, as of course he was bound to do owing to his long connexion with the department, and challenged my statement. But the hon. the Minister since admitted in Bellary that these things were going on with the knowledge of the officials. He went very much farther in his speech and said that it was due to the connivance of the officials. The people alone are not to blame for these offences. The officials are as much responsible for them. However, I do not see where the necessity for the deputy commissioners comes in, in this connexion. I think the House should reject the provision for two of them at least."

Diwan Bahadur M. KRISHNAN NAYAR:—"I have listened to the statements made by my hon. Friend Mr. Ranganatha Mudaliyar and also those made by the hon. the Minister in charge of Excise. Having regard to the fact that the Minister in charge of this department dwelt particularly upon the difficulties of the present time, I intend withdrawing the motion, if I am permitted to do so."

The motion was by leave withdrawn.

Motions 202 *to* 204.

The following motions were not made :—

Sriman SASI BHUSHANA RATH Mahasayo :—

202. *To omit the allotment of Rs.* 32,160 *for two deputy commissioners.*

Mr. T. C. TANGAVELU PILLAI:—

203. *To omit the allotment of Rs.* 32,160 *for two deputy commissioners.*

Mr. C. V. VENKATARAMANA AYYANGAR :—

204. *To omit the allotment of Rs.* 32,160 *for two deputy commissioners.*

Motion 205.

Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, I beg to make the following motion :—

205. *To reduce the allotment of two-thirds of Rs.* 95,520 *being the provincial share of the cost of eleven assistant commissioners by Rs.* 17,367 *and to reduce the number of assistant commissioners employed in the Excise branch by*

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two, and to move the Government of India to make a corresponding change in the proportion of the cost of the department borne by the Provincial and Imperial Governments, respectively.

"The hon. the Minister in charge of this department went at great length to support the position of higher officers, i.e., for the provision of deputy commissioners. Thereby he never thought that by his speech he would be helping me with reference to my motion to reduce the number of assistant commissioners. He said that most of the present assistant commissioners were useless people practically and that therefore, till they retired, the present deputy commissioners would be required to be in their own places."

The hon. Rao Bahadur A. P. PATRO:—"I did not say assistant commissioners."

Mr. C. V. VENKATARAMANA AYYANGAR:—"The word 'assistant commissioners' was clearly used. I will make it more clear later on. He said the present assistant commissioners were not doing their duties but that there might be better recruitment when these people retired, and then probably the number of deputy commissioners also might be reduced. These words are still ringing in my ears and I am prepared to withdraw the statement if it is now stated wrong. He said, Sir, that the present assistant commissioners were recruited at a time when educated Indians were not prepared to enter the Excise department. Whatever the reason may be, I submit, and it is very clearly admitted, that the present assistant commissioners are not doing their duties as satisfactorily as they may be expected to do. That is the sum total of the speech that has been made by the hon. the Minister.

"So far as my motion is concerned, there are two things that require looking into. The question of the allotment by the Government of India and the present Government is required to be looked into. The proportion was fixed at a time when there was a large number both of excise and salt officers. Now I understand the number of people who are doing salt work has not been reduced, but the number of officers doing the excise work has been reduced. In any case it is desirable when we go into the question of allotment, that we should make a large increase in the contribution by the Government of India.

"There are eleven assistant commissioners doing both salt and abkari work. One of these, I may say, is in charge of Bellary and Kurnool districts. He does not practically do any salt work. If you forget the bifurcation of the Bellary district he does work only in two districts of Bellary and Kurnool and then the question is if his jurisdiction cannot be increased and it may be said that these assistant commissioners are practically doing post office work between the deputy commissioners and inspectors. No doubt these assistant commissioners are touring and examining the work of their subordinates. But considering the fact that many of them are not up to the mark and it is likely that new recruits are expected to do better work, certainly a small reduction of two out of the eleven is not after all very great.

"And after all it is only less than one-fifth of the whole number. I think considering the large army of officers below and the deputy commissioners above, as has already been stated, this number 11 is absolutely unnecessary, and in this I am not forgetful of the fact that there has been some reduction in the number of assistant commissioners

11-30 a.m.

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recently, but I only adopt the argument of my friend Mr. Krishnan Nayar in saying that the number which has been declared to be irreducible has been found to be reducible from the number last year, and certainly the heavens are not going to fall owing to additional reduction. If the hon. the Minister will just satisfy us as regards the policy of reducing the drink evil, we should also anticipate a fall in the revenue, and therefore whatever percentage of the present income our expected expense may be we must expect a fall in the revenue and therefore we must provide for a fall in the expenditure also. What we want is not that the officers who are now in service should go out at once bag and baggage, but that vacancies should not be filled up when there may be vacancies, and I am sure they may be one or two in the year, or places may be found for them in other posts. Anyhow we are all agreed that reduction is necessary and, so far as this department is concerned, I hope that the small reduction I have suggested may not be considered too high. In any case I hope that the hon. the Minister will be prepared to meet us half-way."

The hon. Rao Bahadur A. P. PATRO:—"Sir, I may first of all state with reference to my hon. Friend's desire that when there are vacancies, the question of filling up these vacancies will be considered, as the vacancies may arise. But for our present purposes, for purposes of the budget, I must say that any reduction of the kind would not be economical nor would it tend to any appreciable saving. If we reduce the assistant commissioners and revert them to the grade of inspectors, the difference in salary is not very considerable and what the saving would be the House can very well realize when I say that it would be the salary of the last grade sub-inspector or the temporary sub-inspector who may have been taken a few years back into the chain of appointments. In this chain, we would be taking away one of those officers, until we reach the last grade sub-inspector of the temporary kind on a salary of Rs. 30 or Rs. 40. It is he that will have to be sent away. So, as far as saving or economy is concerned for the purposes of the budget, I am afraid we cannot have much at all. If it is the desire of the House that as vacancies occur the question of reducing the cadre should be more thoroughly examined, I am prepared to do so. But at present it would not be possible as I said to reduce the number because it would not at all be a profit so far as the budget is concerned. Of the 11 assistant commissioners we have in the department, six are employed in the Salt branch, four only doing the duty under Excise. Of these four again, three are in charge of divisions, one being, as has been already stated, Bellary, the other two being the West Coast and the North Arcot divisions. As hon. Members know in the case of the Bellary and the West Coast divisions, it is necessary that we should have a high official in order to properly control and check what is going on there. If we take away an assistant commissioner—I know that people from Bellary would say that the present assistant commissioner is old and about to retire—we will replace him by another and more energetic official from the department, and the sort of work that we are carrying on will be carried on more thoroughly. Therefore the three divisions that are now occupied by the assistant commissioners at present require closer attention and greater control than before. I must therefore submit to the House that it is not possible at present to reduce the strength of the assistant commissioners, but, as I said, as vacancies occur we shall examine and see if we can reduce the number then. I also want to submit to the House this further

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fact. Hon. Members would find in the pages of the budget under Excise on the left-hand side that a number of appointments have been reduced this year in the Excise department. The number of deputy commissioners has been already reduced by one, and reductions have been made in the number of other officers. We cannot all at once reduce the appointments as desired, although the revenue may have fallen. If we want that temperance should take root, if we want that illicit distillation, illicit manufacture of liquor and illicit tapping should be checked, we must have a sufficient number of officers to keep a watch in the various taluks and districts, so that illicit distillation and illicit drinking may be effectively prevented. If we reduce the staff, we would be making it all easy for people to take to illicit drinking, etc., as it is now the case in Nellore. In Nellore the people themselves are preaching and raising obstructions against drink habit, but we find as a matter of fact that in Nellore the drink habit is going on everywhere and the farm servants and the other farmers are freely given drink during nights. Therefore if we want to reduce the country to such a state, you can by all means have it. But I may warn hon. Members that if they take away the necessary and efficient preventive staff and thus remove the agency which exercises control over the illicit manufacture of alcohol or toddy, drink will go on unhampered. If we want to control these things, as we must, then it will not be possible for the department to cope with the work of control of drink without this staff. The three divisions, as I said, are now occupied by three assistant commissioners, and it is absolutely necessary that we should have sufficient control in all the three divisions. If things are restored to normal conditions, and if matters improve, then certainly it would be time for us to consider the matter, but at present I beg to assure the House that the retention of all these assistant commissioners is necessary."

Mr. V. C. VELLINGIRI GOUNDAR :—"Sir, I beg to support this motion. My ground is not only the supreme necessity that has arisen to cut down every bit of unnecessary expenditure and effect every possible retrenchment, but I base my argument for reducing Excise expenditure and Excise establishment on the plain duty of Government in regard to Excise. The hon. the Finance Member lamented over the loss of Excise revenue and attributed it to the work of the temperance worker whom in his wrath he identified with the revolutionary party."

The hon. Sir CHARLES TODHUNTER :—"I venture to say, Sir, that the hon. Member is quite wrong in representing me as having identified temperance workers with the revolutionary party."

Mr. V. C. VELLINGIRI GOUNDAR :—"But the declared policy of Government has been towards introducing prohibition, and the hon. the Minister himself stated that he was in sympathy with all earnest and sincere workers in temperance reform to combat drunkenness, and laid down that the temperance policy of Government has never been influenced by considerations of revenue. What I ask is that, if the Government are sincere in their profession of policy towards drink, their paramount duty is to show that sincerity by effecting a radical reduction in the costly establishments they have to maintain to secure revenue which according to Government ought not to be the material item of consideration. In fact, that, I submit, should be the first and natural step logically the Government is bound to take to show their *bona fides*. As to what Government should do towards introduction and enforcement of prohibition, it is not now my purpose or place to

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say and I will not go into details at present. But I urge once more with all the vehemence I can command that it ought to be possible to begin their temperance work by effecting a reduction or cost of the establishment. I am aware that Government will trot out the well-worn excuse of prevention of illicit manufacture and illicit distillation. This matter is grossly exaggerated and there is not so much illicit manufacture as is stated to exist. Further, it is not by maintaining costly establishments with various sorts of allowances and high-paid officers like deputy commissioners, assistant commissioners and so forth that illicit manufacture is going to be prevented.

"The revenue and police officials from the village munsif to the Collector are already assisting the Abkari department in full measure, and great saving can be effected by reducing the abkari establishment; and revenue officials can be assigned more of abkari work without adding to their burden. It is noticeable that in this year's budget a sum of Rs. 11,440 is allotted as against Rs. 1,440 of last year for horse allowance and it is not known why this increase is called for."

Mr. A. RANGANATHA MUDALIYAR:—"Sir, I was not able to understand when the hon. the Minister said that the savings by the abolition of one appointment or two appointments would not be considerable, and he explained the point by saying that the savings if any would be only the pay of the last sub-inspector on perhaps Rs. 50 or Rs. 60. I am unable to follow his argument on that matter. He said, for example, there was an assistant commissioner due for retirement in the Ceded districts. Suppose he retires from the beginning of next year and that vacancy is not filled up at all. I should like to know in that case whether the Government does not save the whole of the amount that would be due to him as pay for the year. I can understand if one of the permanent men now is absorbed and perhaps reverted to the grade——."

The hon. Rao Bahadur A. P. PATRO:—"Sir, I think my friend is always driving at things outside the motion. I have said already that the proposition is, as the hon. Mover has also said, to cut down expenditure. What I said was that when officers retire we would examine the question, but it was not to cut down immediately. That is the proposition before the House."

Mr. A. RANGANATHA MUDALIYAR:—"It will be, I think, within the recollection of hon. Members whether the hon. the Minister said that the savings that might possibly be effected by reduction of these numbers for budget purposes would be very small because only the last grade sub-inspector——."

The hon. Rai Bahadur K. VENKATA REDDI NAYUDU:—"It was not that any officer now working was to be turned out."

Mr. A. RANGANATHA MUDALIYAR:—"If a person now in office is turned out and made to take the place next below and others below are similarly treated, I can understand that the saving effected will be that of the pay of the last man, but if on the other hand a vacancy is not to be filled up——."

The hon. Rao Bahadur A. P. PATRO:—"I am sorry to rise to a point of order, Sir. That is not the proposition before the House. The proposition is to remove two people from out of the number. It is not when the vacancy comes not to fill it. But what I said was that when a vacancy arose, I would consider the matter."

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Mr. A. RANGANATHA MUDALIYAR :—" If there is to be a vacancy, then he said he would consider the question. But I ask him in case there are going to be vacancies soon, whether he would not tell the House that he would not fill up those vacancies in case the House indicates a desire to that effect. That is the point I am driving at, and I think that is the point on which the hon. the Minister must be in a position to give us information. The Civil List gives the necessary information and if there are people who are due to retire, he should have mentioned it. He said that so far as the Ceded districts are concerned there was one who was due to retire, and so far as that district is concerned he may make it a point not to fil up that vacancy.

" And then, Sir, there seems to be a misapprehension in the mind of the hon. the Minister that only the Ceded districts require his special attention. Sir, the people of those districts may be somewhat rough, but they are honest folk and they tell exactly what takes place there. I may tell him that there are many districts elsewhere where illicit distillation, illicit tapping and illicit sale of liquor take place and I wish that he would exercise his attention in those places as well and see if he could put an end to such illicit practices."

The hon. Rao Bahadur A. P. PATRO :—" Sir, when some similarly honest people come in from other places also, I am prepared to take the same remedial measures."

Mr. A. RANGANATHA MUDALIYAR :—" I think it is a ridiculous position for the Government to take, namely, that Government officers cannot take action unless the guilty people come and give them information. I think it is the duty of the Government to find out such cases and not to merely wait till some person comes and says that there are such and such evils existing. I do not want to say anything more on this point, Sir."

The hon. Sir CHARLES TODHUNTER :—" With reference to the question of making the reduction when vacancies arise, may I say one word from the salt aspect of the matter? These officers do both salt and excise duties——."

11-45 a.m.

The hon. the PRESIDENT :—" I do not think it is open to the House to discuss the Salt budget, which is wholly Imperial."

The hon. Sir CHARLES TODHUNTER :—" No, Sir, I do not propose to do that. What I wish to point out is this : that the Assembly have passed the Salt budget. If, therefore, two of the assistant commissioners are to be done away with, they must be taken from among the officers engaged exclusively on excise work. The hon. the Minister has shown us that there are only three officers whose duties are confined to excise work and therefore apparently we must try to abolish two out of these three. One of these is on the West Coast and the other two administer groups of districts from Bellary and Vellore, respectively. I do not think it would be possible to abolish the officer on the West Coast, nor can his subdivision be amalgamated with either of the others. The result of the proposal therefore would be this : that we should have to leave the whole of the inland districts without an assistant commissioner.

" In connexion with these districts I feel it is right that I should answer the challenge which was thrown out by Mr. Vellingiri Goundar when he said that the extent of illicit distillation has been grossly exaggerated.

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Mr. Ranganatha Mudaliyar has already answered that to some extent by his account of the state of affairs in the Ceded districts. I should, however, like to add this, that in the past year there were no less than 354 cases of conviction for illicit distillation and of course for each still that is detected there are a great many that go undetected. Meanwhile there has been a 10 per cent reduction in the consumption of licit liquor. Illicit liquor is, of course, very much cheaper than the licit liquor which pays a very heavy duty and I think it is no exaggeration to say that a greater part of this 10 per cent reduction is due to the consumption of the illicit liquor, of which a much larger quantity can be purchased for the same money than of the licit. I therefore ask the House to realize that it is not helping temperance to reduce the excise staff and ignore the increase of illicit consumption at the expense of the licit.

"To do that would be to bring us to the state in which the Punjab was a few years ago where the authorities had to admit that more than half the liquor consumed in the province was illicit. That is the state of things which we are liable to come to if we allow unchecked the illicit distillation of which we have heard by what are known as the 'Home Rule Reddis' in the Ceded districts. Unless we take strong action to check this illicit distillation, we shall not only lose our excise revenue, but we shall also be increasing drunkenness by giving place to the consumption of illicit liquor which is much cheaper than licit liquor. Again, it has been suggested that we can leave the detection of illicit distillation to the police officers and the tahsildars. I should like to point out that these officers have their own duties, that it is hopeless to expect them to detect illicit distillation by the policeman on his bleat or by the tahsildar as he goes about in his bullock bandy. I should here like to set Mr. Vellingiri Goundar's mind at rest by telling him that the horse allowance which he objects to is given to Salt sub-inspectors working in the salt factories and has nothing to do with this question."

Mr. V. C. VELLINGIRI GOUNDAR :—"I said, Sir, police officer also."

The hon. Sir CHARLES TODHUNTER :—"The only other matter is the argument that because we have already abolished three posts, we can abolish some more. If you carry this line of argument through to its logical conclusion, the only thing to be done is to abolish the whole department. As to whether the officers who remain in the enlarged jurisdiction resulting from the reductions already made have got enough work to do or not, I should like to invite the attention of the Council to the following figures showing how one of them spent his time. In the course of the year 1921-22 he spent 84 days in the inspection of circle offices, 163 in the inspection of ranges, and 55 on visits to ranges, and had left to him out of the 365 days of the year only 63 days, including Sundays and holidays, for staying at headquarters and attending to the work that has to be done there."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I am glad there was a little humour also on this subject because probably it deals with drunkenness and the Excise Department. I may say one word with regard to what Mr. Ranganatha Mudaliyar said. When he said that the people of the Ceded districts are honest, I do not suppose that he meant that the people of the other districts are not so."

Mr. A. RANGANATHA MUDALIYAR :—"May I know if that does follow, Sir?"

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The hon. the PRESIDENT :—" We are not at present concerned with the relative honesty of the people in the several districts. I hope the hon. Member will proceed with the subject under discussion."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I find from the arguments that a reduction has been admitted to be necessary in the case of the Excise department. Instead of a number of slovenly officers if we employ a lesser number of young and energetic men they would be able to do the work more satisfactorily. It need not necessarily follow that a particular reduction should mean the reduction for the whole department itself. My motion does not mean that the two officers should go away at once. It is practically conceded that there will be very soon vacancies in the deputy commissioners and assistant commissioners. If the post of a deputy commissioner becomes vacant an assistant commissioner may be put in his place and so on. If therefore with the assurance of consideration there will be assurance of action, we will be satisfied. There seems to be not a very fair way of dealing with this House. So far as the details of touring are concerned, I do not know how this touring is really useful. If the touring now requires two and a half months before a visit can be repeated to a certain place, another half a month will not be much more serious when the number of officers is reduced. A number of causes for illicit distillation was given ; but a calculation of the number of cases works it at one per district per month. And we know this is mostly due to rival factions, one party complaining against the other that such and such man is having illicit distillation and so on. How this would be prevented by the touring of the assistant commissioner being reduced I fail to see. Kautliya refers to this question too and apart from the question of distillation he says that liquor can be distilled from mango fruits. If a man is inclined to it, he need not go to either coconut or palmyra trees, but he can have it from various other fruits.

" An assurance has been given that this will receive consideration. Also there is a resolution asking for a total decrease of half a lakh which the House, I am sure, will carry or induce the Government to accept. I therefore do not press this for a division."

The motion was by leave withdrawn.

Motion 206.

The following motion was not made :—

Mr. A. SUBBARAYADU :—

206. *To omit the allotment of Rs.* 6,000 *for exchange compensation allowance.*

Motion 207.

Rai Bahadur T. M. NARASIMHACHARLU :—" I beg to make the following motion :—

207. *To omit Rs.* 2,08,500 *for* 99 *assistant inspectors* (*permanent*)."

The hon. Sir CHARLES TODHUNTER :—" May I rise to a point of order, Sir ? The majority of these officers are employed in salt factories and as I have already stated the Assembly has passed the whole item of salt. Any resolution that is brought should be similar to that pressed in the case of the Assistant Commissioners. Otherwise we shall be making an alteration in the Assembly budget already passed."

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18th March 1922]

The hon. the PRESIDENT :—" I understand the hon. the Finance Member to say that most of these officers are employed in salt factories and their pay is debited to the Salt department which is a Government of India department."

The hon. Sir CHARLES TODHUNTER :—" The pay of the whole department is divided in the proportion of two-thirds Excise and one-third Salt. The Salt has been passed by the Assembly. So far as the Excise is concerned, the discussion may perhaps go on, but we cannot attack Salt."

The hon. the PRESIDENT :—" This is a difficult question. Because there is an arrangement under which the Local Government employ a single establishment for doing work partly Excise and partly Salt, I really cannot prevent the House from discussing the motion before the House."

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, the fact is we feel considerable difficulty in this matter of treating certain items as non-votable and preventing us from talking about them."

The hon. the PRESIDENT :—" The hon. Member was not told that he was not to speak about such items. What the hon. Member was told was that this amount does not wholly concern the Madras Government, but a portion of it is debited to the Government of India. The resolution ought to have been more correctly worded so as to cover only the amount debitable to the Madras Government. It is for the hon. Member to decide if he may withdraw his motion. There are other motions lower down more correctly worded."

The motion was by leave withdrawn.

Motion 208.

The following motion was not made :—

Mr. K. SARABHA REDDI :—

208. *To omit the allotment of Rs.* 2,08,500 *for personal allowance to Assistant Inspectors.*

Motion 209.

Mr. C. V. VENKATARAMANA AYYANGAR :—" I will just move it as it is. But my only doubt is whether one-third of every item is debited to the Government of India or one-third of the total grant. I think I may be said to have acted on the advice of the hon. the Finance Member in drafting the resolution."

12 noon.

The hon. Sir CHARLES TODHUNTER :—" One-third of the total grant. The whole of the expenses of the department is treated as one. It is very inconvenient to arrange otherwise. For instance, there is a motion which comes later on to reduce the provision relating to contingencies for salt works which if carried would result in Government not being able to carry out the clearance work in salt factories. The position is a very difficult one."

The hon. the PRESIDENT :—" The hon. Member had better proceed with his motion."

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Mr. C. V. VENKATARAMANA AYYANGAR :—" I formally move, Sir—

209. *To reduce the allotment of Rs.* 48,300 *for* 23 *assistant inspectors employed on excise work by Rs.* 20,000 *and to move the Government of India to make a corresponding change in the proportion of the cost of the department borne by the Provincial and Imperial Governments respectively Rs.* 1,00,000.

" I have given the pay of the 23 assistant inspectors roughly at Rs. 20,000 apart from the salt factory and other work. I do not think these assistant inspectors are necessary. They are more or less assisting inspectors and in some places I hear they are also obstructing the inspectors in their work. They do not even do the work of the post office. They sometimes of course do what they are told to do by the inspectors. I may say, Sir, that I have also spoken to some of the officers of the department on this point. I am strongly of opinion that even if there be some danger in abolishing high offices there is no danger in reducing the number of these assistant inspectors. I do not know what the Minister will have to say. Anyhow I propose the reduction."

The hon. Rao Bahadur A. P. PATRO :—" Sir, I fear I cannot agree with my hon. Friend in the reduction of the number which he pleads for. The position is like this. The assistant inspectors whom he wants to reduce are all not only in charge of preventive work but they are also in charge of distilleries. The fifteen men who are in charge of distilleries were specially trained for this purpose and they are in charge also of the go-down and they handle large quantities of liquor and also money realized from these distilleries. These fifteen men in charge of distilleries are very important officers and as such it would not be possible at all to reduce them.

" Then, there are others who are assisting the inspectors in charge of very heavy circles. Now, for the purpose of assisting those inspectors, special assistance is given in certain circles, because the work is so heavy and the time of the inspector does not permit him to make very frequent inspections. Well, if the assistant inspector is engaged in the preventive work, the inspector of that circle would be engaged in organizing and in going over the places. Therefore, in heavy circles an assistant is given to the inspector. The other fifteen men, as I submitted, who are specially trained for the purpose are engaged in distillery work. As I said, it is a very responsible work and they are in charge of large quantities of liquor manufactured and the bond-houses and they are also handling large sums of money. It is not possible for these fifteen men who have been specially trained for the purpose to be dispensed with, nor is it possible for the assistance that is given to circle inspectors to be taken away at once, unless, as I told you in connexion with another motion, we are prepared to divide the big circles into two and place one inspector in charge of each of these circles. Now, there is one inspector in charge of a big circle assisted by one assistant inspector. If my hon. Friend's motion is carried, we will have to divide the circles and put in another inspector in the place of the assistant inspector. That is the position to which it will be reduced if the House will accede to this motion. Consequently, I beg that the motion should not be accepted by the House."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I withdraw it, Sir."

The motion was by leave withdrawn.

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MADRAS RECORD OFFICE

18th March 1922]

Motion 210.

The following motion was not made :—

Mr. C. V. VENKATARAMANA AYYANGAR :—

210. *To reduce the provincial share of the allotment of* 34 *sub-inspectors employed in the excise work, viz., Rs.* 29,540 *by two-thirds and to move the Government of India to make a corresponding change in the proportion of the cost of the department borne by the Provincial and Imperial Governments respectively Rs.* 30,000.

Motion 211.

Rai Bahadur T. M. NARASIMHACHARLU :—"I wish to know whether the same objection holds good with regard to these temporary assistant inspectors."

The hon. Sir CHARLES TODHUNTER :—"Yes, Sir. Most of them are employed in salt factories."

Rai Bahadur T. M. NARASIMHACHARLU :—"Then I don't make it."

The following motion was not therefore made :—

Rai Bahadur T. M. NARASIMHACHARLU :—

211. *To omit the allotment of Rs.* 25,200 *for assistant inspectors* (*temporary*).

Motion 212.

The following motion also was not then made :—

Sriman SASI BHUSHANA RATH Mahasayo :—

212. *To omit the allotment of Rs.* 25,200 *for assistant inspectors.*

Motion 213.

Rai Bahadur T. M. NARASIMHACHARLU :—"I wish to know if there is the same objection with reference to this motion also."

The hon. Sir CHARLES TODHUNTER :—"Yes, Sir."

The following motion was not therefore made :—

Rai Bahadur T. M. NARASIMHACHARLU :—

213. *To omit the allotment of Rs.* 23,880 *for sub-inspectors* (*temporary*).

Motion 214.

The following motion also was not then made :—

Mr. K. SARABHA REDDI :—

214. *To omit the allotment of Rs.* 1,000 *for personal allowance to petty officers.*

Motion 215.

Sriman SASI BHUSHANA RATH Mahasayo :—"I move—

215. *To omit the allotment of Rs.* 5,400 *for teachers in salt factories.*

"I do not know the purpose for which this provision is made."

The hon. Sir CHARLES TODHUNTER :—"This is entirely a salt question, Sir."

Sriman SASI BHUSHANA RATH Mahasayo :—"I thought it was education."

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The hon. the PRESIDENT :—" To what head is the pay of these teachers debited ? "

The hon. Sir CHARLES TODHUNTER :—" All the expenditure is debited to the gross head and is divided in the proportion of two-thirds to one-third."

The hon. the PRESIDENT :—" Is two-thirds of this allotment borne by the Provincial Government ? "

The hon. Sir CHARLES TODHUNTER :—" Yes, Sir."

The hon. the PRESIDENT :—" Then the hon. Member is in order in asking for the omission of that portion. The point raised by the hon. the Finance Member is that two-thirds of this expenditure of Rs. 5,400 for teachers in salt factories is being borne by the Madras Government and one-third by the Government of India. The hon. Member cannot of course touch that one-third, because it is not an expenditure of the Provincial Government. But he can ask for the omission of the two-thirds of Rs. 5,400, which is borne by the Madras Government."

The hon. Sir CHARLES TODHUNTER :—" Sir, I am afraid I was not quite correct in saying that two-thirds of this provision is borne by the Provincial Government. The Provincial Government bears two-thirds of the gross provision for Salt and Excise ; while the two-thirds includes items which are spent solely on excise services, the one-third similarly includes items spent solely on salt. This is an item entirely relating to salt. It is one-third of the gross expenditure that the Government of India bears."

The hon. the PRESIDENT :—" I think the situation is this. The hon. Member wants to omit the sum of Rs. 5,400 for teachers in salt factories. It is shown as a votable item in the budget. If the hon. the Finance Member tells us definitely that the money is really not an item of expenditure of the Madras Government, but by some process with which we are not concerned here—we will accept the word of the hon. the Finance Member for it—it is debited to the Government of India, I will rule out the hon. Member. If, however, the expenditure is being wholly or partially paid by the Government of Madras, then the hon. Member will be entitled to move for the reduction either of the whole or of the part borne by the Madras Government. What we want is a definite statement from the Finance Member."

The hon. Sir CHARLES TODHUNTER :—" Sir, the effect of this Council disallowing any provision which is made purely for salt work (if I may give an instance which is coming later on, the provision for a railway siding) would be that that item would be omitted, while the total budget provision would still be divided in the proportion of two-thirds to one-third. The net effect of that would be that the Central administration of the Salt department would be crippled, while the Provincial Government would secure a saving in respect of an item in which they are not really liable for expenditure."

The hon. the PRESIDENT :—" The hon. Member has not given a definite statement, if I may venture to say so. I really do not see how I can withhold from the House any item of expenditure which is borne by the Madras Government."

The hon. Rai Bahadur K. VENKATA REDDI NAYUDU :—" May I mention this, Sir ? The motion is for the omission of the whole allotment of Rs. 5,400. If it is passed we would be cutting also the portion that is paid by the Government of India, which we could not do."

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The hon. the PRESIDENT :—" I want a statement from the hon. the Finance Member as to how much of this allotment is being borne by the Government of India so that the hon. Member may move for the omission of the other portion of it borne by the Government of Madras. But, as a matter of fact, the hon. the Finance Member has not been able to tell us that."

The hon. Sir CHARLES TODHUNTER :—" May I explain, Sir, that what is shared is the gross provision, but this gross provision is made up of items which are purely excise and items which are purely salt and items which are divided. If the House cuts out a purely salt item, it affects the administration of the Central department, but gives the Provincial Government a saving to which it has no title. I quite agree that the arrangement is an unsatisfactory one and we are addressing the Government of India as regards the readjustment of these charges."

The hon. the PRESIDENT :—" I can deal only with the point of order. I want a statement or an assurance from the hon. the Finance Member that this expenditure does not ultimately fall upon the Madras Government. Till he says that—it may be that in the first instance the Madras Government pays it but recovers it afterwards from the Government of India—whatever it be, till he says that, the point will remain undecided."

The hon. Sir CHARLES TODHUNTER :—" May I say that the expenditure is divided by the rule of thumb? We have a letter under preparation addressing the Government of India regarding the revision of the rates."

The hon. the PRESIDENT :—" It is a matter for consideration by the House—as we understand that the question is going before the Government of India and will, I hope, be solved in some way which should make it more intelligible to the House, at any rate, before it comes up next year—whether this thing may not be put aside instead of a lot of time being spent over it."

Sriman SASI BHUSHANA RATH Mahasayo :—" I do not want, Sir, that the time of the House should be wasted. I think it is a very important question, because it concerns the salt question. We cannot discuss it if all the expenditure is borne by the Government of India, and if any amount is to be borne by the Madras Government, we are entitled to discuss it. As you were pleased to point out, I do not want to discuss that constitutional point. I shall withdraw the motion for the present."

The motion was by leave withdrawn.

Motions 216 *to* 224.

The following motions were not made :—

Mr. C. V. VENKATARAMANA AYYANGAR :—

216. *To reduce the allotment* Rs. 15,37,300 *for establishments by* Rs. 1,00,000.

Dr. P. SUBBARAYAN :—

217. *To reduce the allotment of* Rs. 2,70,000 *for travelling allowance by* Rs. 27,000.

Mr. C. RAMALINGA REDDI :—

218. *To reduce the allotment of* Rs. 2,70,000 *for travelling allowance by* Rs. 27,000.

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Mr. B. MUNISWAMI NAYUDU :—

219. *To reduce the allotment of Rs.* 2,70,000 *for travelling allowance by Rs.* 27,000.

Mr. C. NATESA MUDALIYAR :—

220. *To reduce the allotment of Rs.* 2,70,000 *for travelling allowance by Rs.* 27,000.

Mr. K. SARABHA REDDI :—

221. *To reduce the allotment of Rs.* 2,70,000 *for travelling allowance by Rs.* 1,38,000.

Mr. T. ARUMAINATHA PILLAI :—

222. *To reduce the allotment of Rs.* 2,70,000 *for travelling allowance by Rs.* 27,000.

Mr. O. TANIKACHALA CHETTIYAR :—

223. *To reduce the allotment of Rs.* 2,70,000 *for travelling allowance by Rs.* 27,000.

Mr. K. SARABHA REDDI :—

224. *To reduce the allotment of Rs.* 1,87,050 *for fixed travelling allowance for sub-inspectors by Rs.* 93,525.

Motion 225.

12-15 p.m. Rai Bahadur T. M. NARASIMHACHARLU :—" I beg to move—

225. *To reduce the allotment of Rs.* 4,57,050 *for travelling allowance and fixed travelling allowance for sub-inspectors by Rs.* 1,00,000.

" At page 50 of the Civil Budget Estimate, we find, Sir, a provision of Rs. 2,70,000 for travelling allowance and a sum of Rs. 1,87,050 for fixed travelling allowance for sub-inspectors altogether making up a total of Rs. 4,57,050. From the revised estimate for this year we find the corresponding amount to be Rs. 3,60,000, as against a budget provision of Rs. 5,37,050. And in 1920–21 according to the actual account the amount was Rs. 2,71,647. Therefore I contend that the provision of Rs. 4,57,050 is an extraordinarily exorbitant amount. Hence I move for a reduction."

The hon. Sir CHARLES TODHUNTER :—" May I point out, Sir, that the sum of Rs. 1,87,050 is a new item ?"

Rai Bahadur T. M. NARASIMHACHARLU :—" I thank the hon. the Finance Member for giving the information that it is a new item. I propose to cut out 1 lakh and retain Rs. 87,050 under this provision. I submit that this question of fixed travelling allowance has been debated at length here and I need not go again into those reasons for cutting it down. The Government have also come to the rescue and have promised to reduce the travelling allowance and I only follow their own argument and request the Council to reduce the provision by only 1 lakh. Without taking up any more of your time, Sir, I move for this modest reduction."

The hon. Rao Bahadur A. P. PATRO :—" Sir, I am sorry that my hon. Friend seeks to hit hard the very poor and hardworked servants of Government

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namely, the class of sub-inspectors. The sub-inspectors, as the House is aware, are very hardworked people and they have to face inconvenient and dangerous situations. They have to go about and have to maintain a horse, a bicycle or a bullock bandy. They were receiving no travelling allowance before. Considering the condition of this class of people, a fixed travelling allowance was sanctioned, 25 rupees a month, hardly 14 annas a day. Therefore these sub-inspectors who have to travel miles and miles to inspect the shops and factories should in all fairness be given this fixed allowance. They were not given any travelling allowance, as I said. In the course of the revision of their establishment that we recently made, we have agreed, with the sanction of the Government of India, to fix 25 rupees as the fixed travelling allowance for these officers. The item of 1,87,050 refers therefore to the new provision made for the sub-inspectors in order to relieve them of the great trouble and in order to give them some assistance and facility in their travelling work. Hitherto there was a very justifiable complaint on their part that while every department received their increments in salaries, they had not been given similar increases. Very recently, a revised scale had been sanctioned. While revising the scale we have also given them this fixed travelling allowance. As regards the other item that goes to make up the total referred to in the motion, I may say, Sir, that the figure, as originally proposed by the Board of Revenue and by the departments, stood at Rs. 3,38,000 and we cut the figure down by 20 per cent and reduced it to Rs. 2,70,000. Hence as a reduction of 20 per cent has already been made by the Government and as the fixed travelling allowance is intended for the poorly paid and hardworked class of sub-inspectors whose work the House knows very well, I think it is necessary that the House should not attempt to reduce the provision but come to the relief of this class of officers."

Rai Bahadur T. M. NARASIMHACHARLU :—" I submit, Sir, that it was not my intention to cut down from the fixed travelling allowance of the sub-inspectors but the reduction proposed in my motion was calculated on both the items making up the total provision. If the hon. the Minister thinks that the reduction would hit hard the poor class of sub-inspectors, I would suggest the reduction in the rates of the travelling allowance of higher paid officers."

The hon. Rao Bahadur A. P. PATRO :—" I have already reduced it by 20 per cent."

Rai Bahadur T. M. NARASIMHACHARLU :—" I think, Sir, he may go still further and reduce. If in the provision made for fixed allowances to the sub-inspectors a lakh is cut out, there would still remain 87,050 and instead of giving 25 rupees a month, let them be given only 15. I submit, Sir, that in these hard days when we find it difficult for getting money, I fail to see the reason why we should be spending money for increased travelling allowances. The hon. the Minister has told us that their pay has been revised, I think, for the better. If that is so during this year at any rate their fixed allowance can be cut short."

The hon. Rao Bahadur A. P. PATRO :—" In fixing the pay, we take the fixed travelling allowance into consideration."

The motion was put and lost.

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Motions 226 *and* 227.

The following motions were not made :—

Mr. R. SRINIVASA AYYANGAR :—

226. *To reduce the allotment of Rs.* 4,57,050 *for travelling allowance and fixed travelling allowance for sub-inspectors by Rs.* 97,050.

Mr. C. V. VENKATARAMANA AYYANGAR :—

227. *To reduce the allotment of Rs.* 4,57,050 *for travelling allowance and fixed travelling allowance for sub-inspectors by Rs.* 33,333.

Motion 228.

Rao Sahib U. RAMA RAO :—"Mr. President, Sir, I beg to move—

228. *To reduce the allotment of Rs.* 11,440 *for horse allowance by Rs.* 10,000.

"At page 50 of the budget estimate the horse allowance for the year 1920–21 is found to be Rs. 1,440 whereas this year for 1922–23 it has risen to Rs. 11,440. I do not understand the reason for the sudden and large increase and hence I move for the reduction."

The hon. Sir CHARLES TODHUNTER :—"Sir, this again is a charge, I should not say, debited to salt, but entirely concerned with officers at salt factories. I think it needs no demonstration to the House that the cost of keeping a horse has increased enormously in the last few years. The assistant inspectors in charge of salt factories are required to keep horses in order that they may ride round their factories. It was found that it was imposing a heavy burden on these officers on small salaries to make them keep horses at the present enhanced rates and the Government therefore give them a horse allowance."

Rao Sahib U. RAMA RAO :—"Has the cost of maintaining a horse grown ten times, Sir, so as to necessitate a provision ten times the previous one?"

The hon. Sir CHARLES TODHUNTER :—"The hon. Member is mistaken in thinking that there has been an increase by ten times. The previous year's provision was for one or two officers in special localities who had horse allowances ; what is now proposed is to give a new allowance to the assistant inspectors in salt factories who had not hitherto received any. Even now they receive not the whole cost of keeping a horse, but a portion of it."

Mr. A. RANGANATHA MUDALIYAR :—"I do not know whom the answer of the hon. the Finance Member has satisfied. Perhaps only himself. The question is whether the cost of maintaining a horse has grown to be ten times what it was before. We have heard of the Salaries Committee report and the inquiry into the rise in prices and the rise in prices in the last three years is only by three times. It is extraordinary that in the course of one year any expense should have increased by ten times."

The hon. Sir CHARLES TODHUNTER :—"Perhaps I have not made myself quite clear. These officers were maintaining horses out of their own pockets. Let us say that the cost of maintaining a horse has gone up three times. We are giving them an allowance of Rs. 25 which may be one-third of the whole of their expenses. They still have to meet the remaining two-thirds out of their own pockets."

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Rao Sahib U. Rama Rao:—"If they were maintaining their horses themselves I do not see why they should not do so this year also."

Mr. A. Ranganatha Mudaliyar:—"Have they not been given corresponding increases in their pay considering the rise in prices?"

Diwan Bahadur R. Venkataratnam Nayudu moved the closure which was carried.

The motion was then put and declared lost.

A poll was demanded by the hon. Member Rao Sahib U. Rama Rao and the same was taken with the following result:—

Ayes.

1. Dr. M. Appalanarasayya Nayudu.
2. Mr. C. V. Venkataramana Ayyangar.
3. Sriman Biswanath Das Mahasayo.
4. Rai Bahadur T. M. Narasimhacharlu.
5. Rao Bahadur C. V. S. Narasimha Raju.
6. Mr. K. V. Ramachari.
7. Rao Sahib U. Rama Rao.
8. Mr. A. Ranganatha Mudaliyar.
9. Sriman Sasi Bhushana Rath Mahasayo.
10. Mr. M. R. Seturatnam Ayyar.
11. Mr. M. Suryanarayana.

Noes.

1. The hon. Sir Charles Todhunter.
2. The hon. Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
3. The hon. Mr. P. Ramarayaningar.
4. The hon. Rai Bahadur K. Venkata Reddi Nayudu.
5. The hon. Rao Bahadur A. P. Patro.
6. Mr. T. E. Moir.
7. Mr. F. J. Richards.
8. Mr. C. W. E. Cotton.
9. Mr. R. Littlehailes.
10. Mr. E. Periyanayagam.
11. Mr. R. K. Shanmukham Chettiyar.
12. Mr. A. Ramaswami Mudaliyar.
13. Mr. R. Appaswami Nayudu.
14. Rao Bahadur V. Appaswami Vandayar.
15. Diwan Bahadur C. Arunachala Mudaliyar.
16. Rai Bahadur P. C. Etirajulu Nayudu.
17. Rao Bahadur T. Balaji Rao Nayudu.
18. Rao Bahadur T. A. Ramalinga Chettiyar.
19. Mr. O. Tanikachala Chettiyar.
20. Mr. W. Vijayaraghava Mudaliyar.
21. Mr. B. Muniswami Nayudu.
22. Mr. A. T. Muttukumaraswami Chettiyar.
23. Mr. C. Natesa Mudaliyar.
24. Mr. V. P. Pakkiriswami Pillai.
25. Rao Bahadur A. Ramayya Punja.
26. Mr. W. P. A. Saundara Pandia Nadar.
27. Mr. K. Sitarama Reddi.
28. Mr. N. A. V. Somasundaram Pillai.
29. Mr. S. Somasundaram Pillai.
30. Mr. T. C. Tangavelu Pillai.
31. Diwan Bahadur R. Venkataratnam Nayudu.
32. Diwan Bahadur M. Krishnan Nayar.
33. Mr. S. Muttumanicka Achari.
34. The Zamindar of Mandasa.
35. Mr. K. Prabhakaran Tampan.
36. Mr. A. D. M. Bavotti Sahib.
37. Khan Sahib Abdur-Rahim Khan Sahib Bahadur.
38. Munshi Muhammad Abdur-Rahman Sahib Bahadur.
39. Khan Bahadur Saiyid Diwan Abdul Razzaq Sahib Bahadur.
40. Khan Bahadur Muhammad Sadulla Badsha Sahib Bahadur.
41. Khan Bahadur Muhammad Usman Sahib Bahadur.
42. Mr. M. C. Raja.
43. Mr. R. T. Kesavulu Pillai.
44. Rao Sahib P. Venkatrangayya.
45. Rao Bahadur T. Namberumal Chetti.
46. Mr. T. Richmond.

The motion was declared lost, 11 having voted *for* and 46 *against*.

Motion 229.

12-30 p.m.

Dr. M. Appalanarasayya Nayudu:—"Mr. President, Sir, I beg to make the following motion standing in my name:—

229. *To reduce the allotment of Rs.* 4,00,000 *for petty construction and repairs by Rs.* 2,00,000."

The hon. Sir Charles Todhunter:—"May I again raise the same point, Sir? This allotment is practically entirely for salt works and I hope the Council would trust the Government to get the last pie they can from the Government of India on account of it."

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The hon. the PRESIDENT :—" So far as the question of the point of order is concerned, I cannot rule this out of order unless the hon. the Finance Member can assure me that the amount that is now being borne by the Government of India is over 2 lakhs. But, should it be that the Madras Government pay more than 2 lakhs, the hon. Member is entitled to move his reduction."

The hon. Sir CHARLES TODHUNTER :—" Practically the whole of that allotment is for salt work."

Dr. M. APPALANARASAYYA NAYUDU :—" I should like to know, Sir, whether the motion is admissible or not."

The hon. the PRESIDENT :—" So far as the question of admissibility is concerned, I would certainly not be justified in ruling this out of order unless the hon. the Finance Member tells us in very definite terms that the whole of that allotment or more than one half of it is being debited to the Government of India. But, at the same time, the hon. the Finance Member has told us that this question of the relative distribution of this allotment between the Government of India and this Government is going up to the Government of India and that no useful purpose will be served by discussing it just now, and he has made an appeal to the House to consider whether the resolutions of this class could not be withdrawn so as to save time and allow them to be brought up later on after the orders of the Government of India are received. So, that is a matter entirely for the hon. Member to consider. The hon. Member would be strictly in order in proceeding with the motion and if he now withdraws it, it is on his own responsibility."

The motion was by leave withdrawn.

Motions 230 *and* 231.

The following motions were not made :—

Mr. R. SRINIVASA AYYANGAR :—

230. *To reduce the allotment of Rs.* 4,00,000 *for petty construction and repairs by Rs.* 1,00,000.

Rao Bahadur T. BALAJI RAO NAYUDU :—

231. *To reduce the allotment of Rs.* 7,32,700 *for contingencies by Rs.* 2,47,000.

Motion 232.

Rao Sahib U. RAMA RAO :—" Sir, I beg to move the following :—

232. *To reduce the allotment of Rs.* 7,32,700 *for contingencies by Rupees* 32,700.

" At page 51 of the budget under revised estimate for 1921–22 Rs. 34,000 and odd has been provided for other non-contract contingencies. In the year 1922–23, Rs. 54,000 and odd has been provided, i.e., Rs. 20,000 more. Again, in addition to that, we find in the same page a provision of Rs. 33,000 for other contract contingencies. We have no idea at all as to what these contingencies mean. So it is better under the present conditions to reduce it by Rs. 32,700."

The hon. Sir CHARLES TODHUNTER :—" May I say again, Sir, that these contingencies include such things as a railway siding and the building of

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lines in salt works? The actual ordinary contingencies of the department are comparatively small and they have been reduced by 17 per cent as compared with the revised estimate for 1921–22. In the matter of ordinary contingencies such as punkah-pullers and so on, this department is kept very tight and there is no provision anywhere, for instance, for payment of punkah-pullers out of contingencies."

Rao Sahib U. Rama Rao :—" The hon. the Finance Member says that the money is utilized for building small huts, etc. Again at page 51 under 'Petty construction and repairs,' Rs. 4,00,000 has been provided for. Is it in addition to that ?"

The hon. Sir Charles Todhunter :—" 'Petty construction and repairs' I think, amount to $3\frac{1}{2}$ lakhs."

Rao Sahib U. Rama Rao :—" According to the budget in my hands it is 4 lakhs."

The hon. Sir Charles Todhunter :—" Under Salt and Excise the amount comes to Rs. 3,82,700."

The hon. Rao Bahadur A. P. Patro :—" As my hon. Colleague has said, contingencies are so very strictly provided for in the budget that even the hot weather charges for the officers have been very much reduced. All these excise officers and the salt officers are always on outside duty and even the punkah allowance has been reduced. The contingencies have so far been cut down to the narrowest limit."

Rao Sahib U. Rama Rao :—" Last year it was only Rs. 34,000 and odd, whereas this year it is Rs. 54,000 and odd. Neither the hon. the Finance Member, nor the Minister in charge has explained that difference."

Rao Bahadur C. V. S. Narasimha Raju :—" Sir, the question is there is an excess in the budget provision under the heading Contingencies. What is the reason for this excess provision ? If the hon. Sir Charles Todhunter, or the hon. the Minister in charge explains the reason for this excess provision, the House will be satisfied. We know that the Government has done its best to curtail all contingent charges."

The hon. Rao Bahadur A. P. Patro :—" Sir, the budget provision for petty construction and repairs for 1922–23 is Rs. 4,00,000. In the revised estimate for 1921–22, it is Rs. 2,98,000 which is wholly debited to Salt. The present increase to Rs. 4,00,000 would again be wholly debited to Salt. Hence you find an increase in the contingencies. In addition to what we have already cut down, the increase which is found now under the heading 'Petty construction and repairs' is debited to Salt."

Rao Sahib U. Rama Rao :—" I withdraw my motion."

The motion was by leave withdrawn.

Motion 233.

Mr. S. Arpudaswami Udaiyar :—" Mr. President, I beg leave to make the following motion :—

233. *To reduce the allotment of Rs.* 30,19,000 *by Rs.* 50,000.

" This Council will admit the propriety of dealing tenderly with this department which has always added to the revenues of this province, but which of late has been hard hit, and, for the first time in its history, shows

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a deficit of over 70 lakhs. This will appear all the more necessary when it is remembered that despite this loss the hon. the Minister in charge has effected economy, has been able to show even greater economy than other departments. If, nevertheless, I press for a reduction of the total grant by Rs. 50,000, it is, Sir, on a question of principle, on a question of policy, which, carefully considered and allowed a fair trial, will, I hope, eventually result in even greater economy. Till now the attention of this House has been confined to reducing establishment charges, to cutting down allowances, etc. I think, Sir, it will be profitable to consider whether we cannot enter into the internal organization, the inner working of a department, the system of work and the methods which have been consecrated by tradition and usage, whether, for instance, the amount of correspondence that is carried on in a department, or between the several departments cannot be reduced, whether it is necessary to call for so many returns as are now insisted upon, whether the papers should pass through so many hands, initialled by so many, running the risk of being lost or locked up in some drawer and then released and allowed to continue their journey. Applying these remarks to Excise, I would say that it is clear from the words of the hon. the Minister, that deputy commissioners have sometimes to hasten to the help of the revenue officers. There seems to be a kind of duplication. That is, the revenue officers have the auctioning and the collection of revenue and I believe they travel over, for revenue purposes, the very places which are visited, for abkari purposes, by the deputy commissioners and assistant commissioners. I think there must be some correspondence carried on between these two departments, and some compilation of statistics. Is it necessary for us to maintain this duplication? Again, I heard the hon. the Minister say that we cannot cut down the number of inspectors. You would, Sir, rule me out of order were I to speak of the inspectors in the Salt department, but confining my remarks to the Abkari sub-inspectors, I believe the work of inspection in regard to the tapping of trees is done by the sub-inspectors, and the assistant inspectors and the inspectors supervise their work or help them. Strictly speaking, there is not much difference between the work done by sub-inspectors and that done by assistant inspectors; and as regards the Commissioners and inspectors, most of their work consists, I believe, in supervision. If the hon. the Minister for Education would, in consultation with the hon. the Finance Member, hold an inquiry, he will, I doubt not, evolve a unified and simplified system instead of maintaining this duplicate system of compiling statistics and having the very same work done on parallel lines. It would also be possible for him to show a good deal of saving under this head. We cannot have a better authority on this subject than the hon. the Finance Member who was connected with this department for a number of years, and I also think the hon. the Minister finds himself quite at home in this department and if he would only tackle the problem with his wonted energy and resourcefulness, it should be possible for him, in concert with his colleagues and with the sanction of the Central Government to evolve a simpler system which would permit of a saving being shown. In this spirit, Sir, with a view to call the attention of the House to the internal method of work carried on in this branch of administration, I move this resolution. As I have already stated, Sir, I am not unmindful of the economy shown by the hon. the Minister, not unmindful of the strain imposed upon his staff and of the difficulties under which they carry on their work; for, as I have heard him remark, they are placed between two sets of persons, one class who try to paralyse their work

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by means of picketting, another class of philanthropists and social reformers who, with the very best of intentions, nevertheless charge them with encouraging drinking which it is their object to discourage by putting an end to illicit distillation and by reducing drink to the very narrowest limit compatible with individual liberty. I am not unmindful of all these. Nevertheless, I think, Sir, if the attention of the House will be directed to the internal working of this branch of administration, it should be possible for the department to show some saving."

The hon. Rao Bahadur A. P. PATRO :—" Sir, I appreciate the principle underlying the resolution. My hon. colleague the Finance Member has already indicated that with regard to the accounts between the Salt and the Excise department, it is engaging his attention and that the Central Government will be approached in course of time. As regards the separation of the two departments altogether, we do not know where we shall be after the accounts are formally passed. That is also another matter which is being investigated and the opinions of the heads of departments are being called for. Then as regards the work of the various officers overlapping and all that, I shall certainly bear that in mind as it requires closer examination and go into the matter thoroughly as opportunity arises."

Mr. S. ARPUDASWAMI UDAIYAR :—" If I want to press this resolution, it is only with a view to give the Government some stimulus or incentive to this inquiry being made, because it is human for persons with the best of intentions to postpone such work or not think seriously of it for lack of the necessary stimulus. Therefore, I press my motion to a division."

The motion was put and lost.

Motions 234 *and* 235.

12-45 p.m. The following motions were not made :—

Mr. B. MUNISWAMI NAYUDU :—

234. *To reduce the allotment of Rs.* 29,65,049 *for Excise* (*Provincial*) *by Rs.* 50,000.

Mr. C. RAMALINGA REDDI :—

235. *To reduce the allotment of Rs.* 29,65,049 *for Excise* (*Provincial*) *by Rs.* 50,000.

Motion 236.

Mr. A. RANGANATHA MUDALIYAR :—" I move—

236. *To reduce the allotment of Rs.* 29,65,049 *for Excise* (*Provincial*) *by Rs.* 100.

" I shall confine my remarks to only one point in connexion with this. The hon. the Minister says that he is going to convene a committee which will go into the question of excise administration in this Presidency and decide what our future policy should be. It would be within the recollection of the members of this House that in August last the House discussed the question of the reduction of the intoxicants in this Presidency and even total prohibition. In connexion with that the hon. the Minister assured the House that he would appoint a standing committee to whom he would refer this question and that he would favourably consider any recommendation that might be made by that committee. But instead of appointing such a

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committee, Sir, he has appointed an advisory committee. I asked some time ago why an advisory committee was appointed instead of a standing committee. No answer was vouchsafed for that question. There is a considerable difference between the powers and functions of a standing committee and those of an advisory committee. The standing committee would be a committee of the House in which the members of the House would sit and I think the information available to the members of the standing committee would be available to the House as well. When you appoint an advisory committee instead of a standing committee, that privilege is taken away. We are anxious to obtain full responsible government. We want to train ourselves as far as possible and as quickly as we can in parliamentary practice and it passes my comprehension, Sir, why, when there is a provision for standing committees, when it was definitely accepted by the Minister, instead of giving effect to it, the hon. the Minister should have gone out of the way and given an advisory committee. We have a right to look to our popular representatives here, the Ministers, to the establishment of sound traditions. I think we have a right to look up to them to see that our privileges are fully maintained."

The hon. Rao Bahadur A. P. PATRO :—" I do not know how, to reply. Yesterday evening my friend sent a chit to say that he would raise two points and he did not include the present point in those two points. I do not know to what point I am to reply now."

Mr. A. RANGANATHA MUDALIYAR :—" I just followed, Sir, the advice given by you and sent a chit. I think I mentioned this point also there. It may be that this has not been included. Anyhow this is not a new question sprung upon him, because I have already referred to it in one of my speeches."

The hon. Rao Bahadur A. P. PATRO :—" Now with reference to the difference between the standing committees and the advisory committees, I only wish to refer the House to the history of it. It was found that the standing committees could not be constituted unless by a resolution of the House. So these were committees appointed by His Excellency the Governor in exercise of the power conferred on him. I only wish to recall to the memory of the hon. Member what took place when the standing committees were formed. If he does not remember I am very sorry for him. The matter was left to the joint committee and it was found that an advisory committee would be more satisfactory than standing committees. Hence the advisory committee was appointed. I do not know if even the Finance Committee could be called a standing committee under the statute. Therefore we resolved, after a full consideration of the whole matter, that an advisory committee would be quite sufficient to meet the needs of the situation. Whenever there is a question of policy or a question of expenditure, these matters are placed before the advisory committees. Recently I have had occasion to consult the Public Works Committee, the Registration Committee and the Education Committee. These committees are meeting from time to time. My hon. Friend himself is on the Excise Committee and the Public Works Department Committee. He also attended some meetings and on another occasion he was late as he was engaged on another committee. Therefore the Ministers are taking the members into full confidence and whatever advice they give is very carefully considered and given effect to as far as possible."

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Mr. A. RANGANATHA MUDALIYAR :—" I have not got very much to say by way of reply. I appeal to the popular part of the Government to see that steps are taken if necessary to bring about the standing committees. That is all. If you will consider that aspect of the question I will withdraw the motion."

The motion was by leave withdrawn.

Motions 237 *to* 239.

The following motions were not made :—

Mr. O. TANIKACHALA CHETTIYAR :—

237. *To reduce the total allotment of Rs.* 29,65,049 *for Excise (Provincial) by Rs.* 50,000

Mr. M. APPALANARASAYYA NAYUDU :—

238. *To reduce the allotment of Rs.* 43,64,930 *for salaries, establishments, etc., by Rs.* 50,000.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

239. *To reduce the total allotment of Rs.* 43,64,930 *for salaries, establishments, etc., by Rs.* 2,00,000.

Motion 240.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" I move—

240. *To reduce the allotment of Rs.* 44,32,930 *for salaries, establishments, etc., including Agency division by Rs.* 50,000.

" As suggested by Mr. Arpudaswami Udayar, it is a matter of necessity that the House should make some reductions. No doubt we are aware that attempts have been made at reduction in the Excise department, but considering the financial position of our province I think some more reductions ought to be made. So in every item we should like to have some reduction. It may be said that there is no use of merely saying that reductions should be made without showing the ways as to how they could be done. There are questions like travelling allowances, duty allowances and personal allowances. These matters may be investigated. Of course we do not want to go into the details. We will leave it to the departments and the Minister concerned to go into the details. Then there are the deputy commissioners, the assistant inspectors and things of that sort as regards whose abolition notices of motion were given. I do not want to raise any specific question with regard to this grant now. As was suggested yesterday it will not be proper to raise new questions without any discussion beforehand. So I thought that if there are any separate issues they could be raised in the form of resolutions later on. I hope the hon. Minister will agree to this reduction."

The hon. Rao Bahadur A. P. PATRO :—" I am sorry my hon. Friend has proposed to make such a large reduction as Rs. 50,000. In the course of my remarks on the other motions I have showed how it is impossible in the Excise department to cut down any further. From the budget statement it is quite clear to hon. Members that I tried to reduce officers as many as possible. Also in the matter of expenditure I tried my best to reduce as much as I could. I have received an intimation from the Board of Revenue that even the reductions will go a long way to discourage officers and that the

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efficiency of the services will be affected if any further reduction be made. Hon. Members will remember that the Excise department brings in a revenue of 5½ crores whereas the expenditure is only 6 per cent of the revenue that we realize from this department. I appeal to hon. Members to consider whether a department which brings in a revenue of 5 crores and odd is or is not fairly managed when the expenditure is only 6 per cent. Therefore it is impossible to make any reduction in that. But as my hon. Friend has been pressing that I should meet the wishes of the Council and that further reduction should be made to what has already been done, I may agree if the amount is reduced to about Rs. 30,000. Then I suppose with great difficulty we may be able to persuade the departments to carry on their work."

The hon. Rai Bahadur K. VENKATA REDDI NAYUDU :—" In view of what has fallen from the lips of my hon. Colleague, may I, Sir, with your permission and the permission of the House beg to move an amendment, viz., ' Substitute 30,19,000 in the place of 44,32,930 and 30,000 in the place of 50,000 '. The object, Sir, is that this figure of 44 lakhs and odd represents the expenditure on salt as well as excise. Salt being a department of the Government of India it is not possible to make any reduction or to meddle with it. At page 51 the figure for excise alone is given. The Minister for Excise has agreed for a reduction of Rs. 30,000 and I submit that this is the proper method of dealing with it."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" I agree to the amendment."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Are amendments allowed regarding grants and motions on grants ? "

The hon. the PRESIDENT :—" Ordinarily it would be unnecessary. The hon. Member's motion includes non-votable items. So, instead of ruling it out, I allowed it more in the interests of the motion."

The amendment of the hon. Rai Bahadur K. Venkata Reddi Nayudu was put and carried.

The motion as amended, namely, to reduce Rs. 30,19,000 by Rs. 30,000, was also put and carried.

Motion 241.

Mr. A. RANGANATHA MUDALIYAR :—" I move—

241. *To reduce the allotment of Rs.* 44,32,930 *for salaries, establishments, etc., including Agency division by Rs.* 32,160.

" I just move it formally with a view to invite your attention to page 51 of the budget."

Mr. A. RAMASWAMI MUDALIYAR :—" In view of the last motion which has been carried, how could this resolution be in order ? There are the same figures ? "

1 p.m. The hon. the PRESIDENT :—" The House has decided to reduce the allotment by Rs. 30,000, not by Rs. 32,160."

Mr. A. RANGANATHA MUDALIYAR :—" On page 51 it is mentioned, Sir, that the amount to be voted is Rs. 44,32,930."

The hon. the PRESIDENT :—" Against net provincial share the amount mentioned is Rs. 30,19,000."

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Mr. A. RANGANATHA MUDALIYAR :—"I do not want to press my motion, Sir."

The motion was by leave withdrawn.

Motions 242 to 244.

The following motions were not made :—

Mr. T. ARUMAINATHA PILLAI :—

242. *To reduce the allotment of Rs.* 30·38 *lakhs under Demand II by Rs.* 50,000.

Mr. V. PAKKIRISWAMI PILLAI :—

243. *To reduce the allotment of Rs.* 30·38 *lakhs under Demand II by Rs.* 6 *lakhs.*

Mr. N. A. V. SOMASUNDARAM PILLAI :—

244. *To reduce the allotment of Rs.* 30·38 *lakhs under Demand II by Rs.* 1 *lakh.*

Demand II was put and the grant made, subject to a reduction of Rs. 30,000.

DEMAND III—STAMPS.

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I beg to move, Sir, Demand III—Stamps, for a grant not exceeding 5·38 lakhs of rupees. This includes the expenditure both in England and in India. Details will be found on page 5 of the statement which is in the hands of hon. Members; and I am happy to announce that no motion has been received for reduction of this demand."

Demand III was put and carried. The grant was made.

DEMAND IV—FOREST.

The hon. Sir LIONEL DAVIDSON moved for a grant not exceeding 42·52 lakhs under Demand IV—Forest department. In doing so, he said :—

"I wish I could say, like my hon. Colleague, that no motions for reduction of the grant have been received under this demand. But it is not the case; for there are about 50 motions, though there is of course a good deal of reduplication. The total amount of the demand as shown at page 1 of the list of demands for grants is 42·52 lakhs. That figure covers not only the forest expenditure proper but also forest refunds, and the manner in which the total is arrived at is shown at page 5 of the same list of demands. It excludes Agency forest outlay, which will be dealt with separately, under Demand XXXIII. Before sitting down I propose to devote a few minutes to the general issues of forest policy raised in the grant for the coming year; for, it is a year of exceptional importance in the history of the department.

"I need not at this moment refer at all to the question of forest panchayat scheme, because there is a specific motion for the omission of Rs. 30,000 provided on that account, which will afford an opportunity for discussion. I will refer mainly, but not solely, to the question of the development of the Forest department on modern lines. But I should here premise that, where as it is the custom in certain quarters to criticise the outlay on the Forest department as if it were solely a commercial department, the department in fact serves two objects and commercial profit is only one of them; it also

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serves the very important economic purpose of the conservancy and protection of existing forest assets—assets not from the standpoint of potentialities of revenue so much as from the standpoint of protection against famine and the general agricultural and economic convenience of the ryot population of the Presidency. I draw special attention to this consideration in order to make it clear that I cannot accept without question figures based on comparisons of total outlay with surplus realized. It is perfectly true that at the end of the general discussion I myself descended to that plane for the purpose of answering criticisms of that nature and I then showed that during the past 30 years—for it is unfair to take only single year—the average return was something like 40 per cent. If we could exclude the proportion of the expenditure during that 30-year period which was devoted to conservancy and protection on agricultural and economic grounds as distinguished from commercial outlay, the return would be very much higher.

" Now I want the Council to realize that the present proposals for outlay on modern lines under the supervision of skilled experts are the direct outcome of the appointment of a Chief Conservator which was made in 1919. One of the first subjects to which Mr. Cox devoted his attention was the great possibilities which were facing him in regard to the development of his department. Those possibilities were forced upon him by the practical experience of the war, when facts were brought to notice showing that notwithstanding our enormous reserves of valuable timber, we had not been in a position to place anything more than a negligible quantity at the disposal of the army. It became clear that this was mainly due to the old-fashioned methods of exploitation in force. The Government of India had become alive to this consideration independently of the conditions of the Madras Presidency, and in consultation with the Secretary of State, they took the step of engaging the services of two American gentlemen of very great practical experience in the lumbering methods in vogue in the United States —Mr. Lafon and Mr. Martin. We have had the benefit of Mr. Martin's skilled advice on the subject and we much hope that we shall continue to retain his advice and also secure his personal services in the future. That is one of the issues which I wish the Council to decide in the course of the debates on the motions for the reduction of this grant.

" Mr. Martin's colleague Mr. Lafon has in similar circumstances been definitely engaged for a period of service in the Punjab by an arrangement which will give him an aggregate remuneration of Rs. 4,000 a month as distinguished from the Rs. 3,000 a month which we contemplate in the case of Mr. Martin. Mr. Lafon's time will be divided between service directly under the Punjab Government and service with a timber exploitation company. There is no reason to suppose that Mr. Martin is in any way professionally inferior to the other gentleman, but he is an enthusiastic worker and one of the considerations which has induced him to consent, subject to the approval of this Council and the Secretary of State, to serve in Madras is that he is emphatically desirous of proving the truth of the forecasts which he has made as to the possibilities of development of the Madras forests. It is not only Malabar that is in issue. There are also vast and valuable forest areas in South Kanara, the most recent information with regard to which is of a most interesting nature, though I do not propose to trouble the Council with that at present. I have myself been to Tinnevelly to examine superficially the possibilities of the same nature in large forest

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tracts in that district; there is no doubt that there too there is great scope for development, and I might equally cite the Agency forests, if further illustration were needed.

"Criticism has been directed against the Chenat Nayar scheme on the ground that during the first year or two the current working expenses have resulted in a loss of about Rs. 4,000. Sir, I would at the first instance merely reply that in regard to a large scheme of this description, it is quite unfair to base conclusions on the experience of only one or two years. I will next mention that, as one of the Members of my advisory committee, a gentleman of wide business experience, Mr. Namberumal Chettiyar, has pointed out, even that little deficit of Rs. 4,000 is not in fact real, since on the debit side there is included an item of Rs. 8,047, being the cost of sending free sample consignments to the Kolar mines and other miscellaneous work, which in his business judgment is an item debitable not to current working expenses but to the capital account. Finally I must insist that the real value of these experiments lies in the fact that they have conclusively demonstrated the possibility of extracting valuable timber from evergreen forests, hundreds of square miles in extent, which were hitherto believed to be inaccessible for purposes of exploitation. I may also add that if the initial working has proved, comparatively speaking, to be costly, that is in no small measure due to the fact that we were lacking in the expert supervision necessary to conduct such operations. It is to remedy that defect that we now propose to employ an expert of Mr. Martin's calibre.

"There is another aspect of the case and that is the bearing which these new developments have upon the continuance in service of our senior forest officers, particularly the conservators upon whose shoulders will devolve most of the responsible work of framing schemes for development on the new lines, under the supervision, of course, of the Chief Forest Engineer, for without that supervision our conservators would not be competent to frame sound business schemes. I think it would be very much to be deprecated if, by the Council's action in turning down these great developments, the senior officers of the department and also those who in due time look to taking their places should be permeated with the idea that their future life in the Forest department will continue on the humdrum lines of the past. To a forest officer who is keen on his profession the new developments are most attractive. That is a general aspect of the case which I commend to the consideration of the Council. 1-15 p.m.

"In regard to the general cuts of the Forest department budget, which are proposed in various motions, I should like to draw prominent attention to the fact that we have already cut out very nearly five lakhs from the Chief Conservator's own budget owing to the insistence of the Finance department. I wish also to draw the attention of the Council to the course adopted by the hon. Members of the Legislative Assembly, particularly an old member of this body, Rao Bahadur T. Ranga Achariyar. Hon. Members who read the newspapers will have noticed that in the Legislative Assembly there has been a reduction of 5 per cent in practically every grant in the Government of India's budget. But I observe that Mr. Ranga Achariyar with the unanimous approval of his supporters made a definite exception in the case of two departments; one of these departments was the Forest department, which Mr. Ranga Achariyar announced amidst applause was a great national

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asset and should bring in sufficient revenue to relieve the tax-payer of his existing burdens. That, Sir, is a general consideration which I hope hon. Members of this Council will bear in mind when we are discussing this grant."

Motion 245.

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Sir, I beg to make the following motion:—

245. *To omit the allotment of Rs.* 2,400 *as duty allowance for the Personal Assistant to the Chief Conservator.*

"Sir, this is a question which is not new to this Council. Last year this was debated upon. It has been argued from the Government's side that it has been in existence for a long time and it is necessary that on account of the duties he has to discharge, he shall be paid this allowance. I believe he belongs to the rank of deputy collectors whose salaries have been recently raised and in the opinion of some at least the salaries thus raised are very high. This House has already resolved yesterday that personal allowances and presidency allowances should not be given. While tracing its origin the hon. the Home Member referred to the experience of the present Secretary while he was in the Board of Revenue, and showed how the duties of the personal assistant connected with this work are very arduous. I believe, Sir, a public servant is expected to devote all his time and all his energies to the best of his ability for the salary he is engaged. I do not think there will be any justification for paying him more on the ground that his work is more arduous. A pathetic appeal was made yesterday by one of the members of the Civil Service regarding these duty allowances and I am not able to understand the spirit in which he made that appeal. The salaries have been raised enormously without having any regard to the condition of the province in the matter of revenues and the new scale of system introduced is too heavy to meet the growing cost by the expansion of the revenues. When such is the case, I submit that greater attention is to be paid to the opinion of this House than to any feeling expressed by the members of the service. We as representatives of the people do feel more for the taxpayers, though the hon. Member who represented the class of service might feel equally well for the high salaries of his colleagues. With these words, Sir, I commend this motion for the acceptance of this House."

The hon. Sir LIONEL DAVIDSON:—"Sir, my hon. Friend Mr. Narasimha Raju has referred to the discussion which took place on precisely the same issue last year. I am glad to notice from the record of the debate on that occasion that the Council voted for the continuance of this duty allowance by 40 as against 12 and I appeal to the Council, Sir, to repeat that vote. It seems to me that the line of criticism which is based on the supposed over-payment of deputy collectors in general is really irrelevant to the issue whether a duty allowance should be given to this particular officer. If the over-payment view commends itself to this Council, the proper remedy clearly is to revise the scale of pay of deputy collectors, and not to deprive an officer, who accepted a particular appointment on the faith that it would carry with it a duty allowance of Rs. 200, of that duty allowance. The case for this particular allowance depends partly upon compulsory residence in the expensive Presidency town and partly upon the special measure of

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responsibility imposed upon the incumbent of the post. In regard to the general issue of Presidency allowances, it is possible that my hon. Colleague the Finance Member may wish to say a few words, but if he does not, I would again urge that this particular allowance should not be cancelled without a proper consideration of the whole wide issue of Presidency allowances. There is nothing, Sir, which I can add to this general statement of the case and I do not propose to repeat the detailed arguments which I adduced last year. If, as seems to be the case, such arguments do not commend themselves to the Council when brought forward in connexion with such questions as the reduction of duty allowances or travelling allowances, it seems to me, Sir, that appeals to a sense of logic and reason are to some extent thrown away; but in a case like this there are very strong reasons to continue the duty allowance and I think they ought to appeal to all fair-minded men."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Sir, very poor compliment has been paid by the hon. the Home Member to the sense of appreciation of this House by saying that appeals based upon logic and good sense will not be appreciated by some of the members of this House."

The hon. Sir LIONEL DAVIDSON :—" In these matters."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Sir, I may also tell the hon. the Home Member that appeals from this House do not appear to be appreciated by the Government when we base our arguments mostly on the highly increased salaries that have now come into existence and on the poor condition of the tax-payers. If anything can appeal to this House it is the condition of the poor tax-payer and not the condition of the already well-paid official. It shall not be understood by the country that we are here simply to give our support to the already well-paid officials. We are here to safeguard and watch the conditions on behalf of the tax-payers. It is that which appeals to us and not the way in which the Government proposes to spend away the revenues of the province in filling up the pockets of the already well-paid services."

The hon. Sir CHARLES TODHUNTER :—" Sir, I have already told the House why allowances are granted and that unnecessary allowances are as much anathema to me as they are to them, and I hope that I can fully enter into the feelings of hon. Members who think that some of these allowances are not fully justified, but I do appeal to the House to see that this is a question which can only be fairly settled on examination of the details. The allowances are given for various reasons. I gave an instance yesterday of an allowance which arose out of the revision of the scale of an appointment which was converted from one on special pay to a post on a general cadre with an allowance to equalize matters, the net result being no increase in charges. I have already stated that every one of these allowances has been sanctioned only after careful examination and enquiry, and I do venture to think that if any of them is to be withdrawn, it should be withdrawn only after full examination of the reasons for which it was given. Here I would venture to refer to what has passed in this matter in the Finance Committee. I appeal to the members of the Finance Committee to confirm me when I say that it has been my conscientious endeavour to lay before them every possible scrap of information that they desired to examine on such matters,

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and I have asked them again and again not to be content with a general condemnation of allowances or of a class of allowances, but to take up specific cases and examine the reasons why the allowances were given and to give their grounds for cutting out these allowances so that the whole case may be placed before the Cabinet for their decision, after considering both sides of the case. I venture to appeal to the House that, if they want to cut out allowances, the proper course for the House is to let the Finance Committee examine and state each case to the Cabinet so that the Cabinet may decide the matter.

"As I have already stated, Sir, the reserved part of this Government are responsible in such matters to the Secretary of State, and with reference to what has been said about Presidency allowances, I should like to say that quite recently we have had a despatch from the Secretary of State, not condemning Presidency allowances, but asking for proposals for extending those which are granted in Calcutta and Bombay to other cities, not only headquarter places like Madras but also up-country towns where the expenses of living are high. I ask the Council to consider the position of the reserved half of the Government when they have instructions of this sort from the Secretary of State, while they are pressed by the Council on the other hand to cut down the allowances. I do not wish to say anything about the particular allowance which is now in question, but I do ask the House generally when dealing with the question of allowances to give us an opportunity to place before the Finance Committee every possible piece of information as to the reasons why these allowances were thought necessary and to let the Finance Committee pass a considered opinion upon all the facts instead of asking the House to vote on a presentation of the case which cannot be complete."

Mr. C. Natesa Mudaliyar:—"I oppose this motion, Sir. I cannot understand why so much is said against all these allowances. It is rarely that these allowances are unnecessary; and in some cases they are a matter of dire necessity. If there are a certain number of clerks in an office in various grades of pay and one of them is made to act as head clerk, should he not get an allowance to supervise the work of others in addition to his own clerical duties? If there are professors on various grades of pay and if one of them is appointed Principal, should he not get a duty allowance for doing administrative work in addition to lecturing work? If there are physicians and surgeons in the General Hospital, and if some of them are appointed lecturers in the Medical College, should they not receive duty allowance for doing teaching work in addition to their general work? If there are some medical officers who are appointed to posts, the incumbents of which cannot have private practice, should they not get an allowance to compensate for what they could have got in the way of private practice? Moreover, there are deputy collectors all over the presidency on various grades of pay; and if we want a deputy collector of proved ability for conducting the affairs of a department comprising the work of the whole presidency, should we not pay these men duty allowances for doing laborious and very responsible work? It is not all the deputy collectors that want to have the privilege of living in Madras. In fact, I know many of them would like to have a pleasant time in the mufassal. This Rs. 200 allowance is the only attraction for them to accept posts in Madras. For Madras is a very

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costly place and the Rs. 200 allowance barely covers the house-rent and conveyance charges. I am willing to reduce the pay of the highly paid officers all round according to a resolution passed in this Council, but the extra work should be paid for by an extra allowance."

Rao Bahadur T. Balaji Rao Nayudu :—" Sir, yesterday we passed a motion that the presidency allowance should be cut down; and when a motion to cut down a similar allowance to a particular officer is brought we should support that motion. I am one of those who were for retaining this allowance last year, because we could not possibly cut down the same allowance in the case of other officers. Now that we succeeded in reducing the duty allowance of other officers, I regret I cannot agree with the view of Mr. Natesan. Sir, the hon. the Finance Member says that he is bound by the instructions received from the Secretary of State with regard to allowances for other officers. That might be. We therefore sympathise with him. We cannot but cut down what this Council can possibly cut down, so that it can be reported to the Secretary of State and the same might be done in the case of officers with whose allowance we cannot interfere. No doubt it is a loss to Indians if their allowance is cut down; but we want to do so in order that the same might be done in the case of higher officers in course of time, if not at once. Therefore I hope that the Council will accept the motion for reduction."

Rao Sahib U. Rama Rao :—" Sir, my hon. Friend Mr. Natesan is confounding duty allowance with the allowances given in lieu of private practice. If a surgeon is not allowed private practice he is generally allowed something in lieu of private practice that cannot be compared with duty allowance; but if an officer acts as personal assistant to the Conservator he is given Rs. 200 for doing nothing more than what he would otherwise have to do. The pay of the physicians and surgeons is fixed with the understanding that he could have private practice, and at the same time if a physician is asked to do lecturing work in the Medical College, he is asked to do a different kind of work and then it will be called as 'teaching allowance'."

Mr. C. V. Venkataramana Ayyangar :—" Sir, I want to support the motion on one or two grounds. Yesterday, in spite of the passionate appeal of Mr. Moir and others that the duty allowance should be continued, the House decided that it should be abolished in the case of the officers of the Revenue Department. Certainly we should not do one thing for the officers of the Revenue Department and another for the officers of the Forest Department. If the position of any officer is difficult, it is that of the settlement officer who may have to do work in a malarial tract but not that of an officer serving in Madras as the personal assistant to the Chief Conservator. If the appointment is to be held by a responsible person, the proper person should be selected for the purpose It was contended by Mr. Moir or some other European Member on behalf of the Government that so far as the Indian officers are concerned they may like to be in Madras, but not so the European officers."

Mr. T. E. Moir :—" I made no such statement, Sir."

Mr. C. V. Venkataramana Ayyangar :—" I added by saying 'or by some other European Member on behalf of the Government.'

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The question should not be whether a person likes to go to Madras or not. If it is left to the preference of the officers they may not like to leave a particular place or to go to a particular place all through their life. If particular officers do not like Madras and are posted here it is only their lot. To make a differentiation between the officers of the Revenue and of the Forest Departments, to grant the allowance to the officers of the Forest Department and to refuse it to the officers of the Revenue Department will lay the Council open to the charge of inconsistency. Therefore, in view of the fact that reduction has been made in the case of the officers of the Revenue Department, we must all vote unanimously for this motion also."

Diwan Bahadur R. Venkataratnam Nayudu moved that the question be then put. The motion for the closure was carried.

The main motion for the omission of the allotment of Rs. 2,400 as duty allowance for the personal assistant to the Chief Conservator was then put to the vote and carried.

A poll was demanded by the hon. Sir Lionel Davidson, and the same was taken with the following result :—

Ayes.

1. Mr. K. Adinarayana Reddi.
2. Dr. M. Appalanarasayya Nayudu.
3. Rao Bahadur K. Gopalakrishnayya.
4. Mr. S. T. Shanmukham Pillai.
5. Rao Bahadur T. Balaji Rao Nayudu.
6. ,, T. A. Ramalinga Chettiyar.
7. Mr. B. Muniswami Nayudu.
8. Mr. A. T. Muttukumaraswami Chettiyar.
9. Rao Bahadur A. Ramayya Punja.
10. Mr. K. Sarabha Reddi.
11. Mr. W. P A. Saundara Pandia Nadar.
12. Mr. K. Sitaram Reddi.
13. Mr. T. Somasundaram Mudaliyar.
14. Mr. A. Tangavelu Nayagar.
15. Mr. P. Venkatasubba Rao.
16. Diwan Bahadur M. Krishnan Nayar.
17. Rao Bahadur A. S. Krishna Rao Pantulu.
18. Mr. C. V. Venkataramana Ayyangar.
19. Sriman Sasi Bhushana Rath Mahasayo.
20. Rai Bahadur T. M. Narasimhacharlu.
21. Rao Bahadur C. V. S. Narasimha Raju.
22. Mr. K. V. Ramachari.
23. Rao Bakadur C. B. Rama Rao.
24. Rao Sahib U. Rama Rao.
25. Mr. A. Ranganatha Mudaliyar.
26. Sriman Biswanath Das Mahasayo.
27. Mr. M. R. Seturatnam Ayyar.
28. Mr. M. Suryanarayana Pantulu.
29. Mr. T. Arumainatha Pillai.
30. Mr. A. T. Palmer.
31. Mr. K. Prabhakaran Tampan.
32. Abbas Ali Khan Bahadur.
33. A. D. M. Bavotti Sahib Bahadur.
34. Saiyid Muhammad Badsha Sahib Bahadur.
35. Khan Sahib Abdur Rahim Khan Sahib Bahadur.
36. Munshi Muhammad Abdur-Rahman Sahib Bahadur.
37. Khan Bahadur Muhammad Sadulla Padsha Sahib Bahadur.
38. Saiyid Diwan Abdul Razaaq Sahib Bahadur.

Noes.

1. The hon. Sir Lionel Davidson.
2. ,, Sir Charles Todhunter.
3. ,, Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur.
4. ,, Mr. K. Srinivasa Ayyangar.
5. ,, Mr. P. Ramarayaningar.
6. ,, Rai Bahadur K. Venkata Reddi Nayudu.
7. ,, Rao Bahadur A. P. Patro.
8. Mr. T. E. Moir.
9. Mr. F. J. Richards.
10. Mr. C. W. E. Cotton.
11. Mr. R. Littlehailes.
12. Mr. E. Periyanayagam.
13. Mr. R. K. Shanmukham Chettiyar.
14. Mr. A. Ramaswami Mudaliyar.
15. Mr. R. Appaswami Nayudu.
16. Rao Bahadur P. C. Etirajulu Nayudu.
17. Mr. C. Natesa Mudaliyar.
18. Mr. S. Somasundaram Pillai.
19. Mr. T. C. Tangavelu Pillai.
20. Diwan Bahadur R. Venkataratnam Nayudu.
21. Mr. G. Vandanam.
22. Rao Sahib P. Venkatarangayya.
23. Rao Bahadur T. Namberumal Chettiyar.

The motion was carried, 38 having voted *for* and 23 *against*.

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Motions 246 *and* 247.

The following motions fell through as they raised substantially the same issue as the previous motion :—

Mr. M. NARAYANASWAMI REDDI :—

246. *To omit the allotment of Rs.* 2,400 *for duty allowance for the Personal Assistant to the Chief Conservator.*

Rao Sahib U. RAMA RAO :—

247. *To omit the allotment of Rs.* 2,400 *for duty allowance for the Personal Assistant to the Chief Conservator.*

Motion 248.

Rao Bahadur K. GOPALAKRISHNAYYA :—" Sir, I beg to make the following motion :—

248. *To reduce the allotment of Rs.* 43,565 *for salaries by* 10,000.

" I should like to elicit some information as to how the budget estimate of Rs. 43,565 under salaries was arrived at while the revised estimate for 1921-1922 is only Rs 42,000. Is it due to the appointment of additional officers or is it due to increase in the salaries of the officers concerned ? "

The hon. Sir LIONEL DAVIDSON :—" Sir, I am not able to understand what information the hon. Member wants. Practically the effect of his motion would be the abolition of the personal assistant to the Chief Conservator ; for nearly all the rest of the allotment for salaries is non-votable, namely, the pay of the Chief Conservator, which is Rs. 33,000. If therefore this House reduces the allotment of Rs. 43,565 by a sum of Rs. 10,000 as proposed, this would entail the abolition of the post of the personal assistant. Possibly the small increase which has exercised the hon. Member so much is due to the fact that these two officers are on incremental pay."

Rao Bahadur K. GOPALAKRISHNAYYA :—" I do not press the motion."

The motion was by leave withdrawn.

Motions 249 *and* 250.

The following motions were not made :—

Mr. B. MUNISWAMI NAYUDU :—

249. *To reduce the allotment of Rs.* 8,000 *for travelling allowance by Rs.* 800.

Mr. A. RANGANATHA MUDALIYAR :—

250. *To reduce the allotment of Rs.* 1,02,000 *for general direction by Rs.* 100.

Motion 251.

1-45 p.m. Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, I beg to make the following motion :—

251. *To reduce the allotment of Rs.* 1,02,000 *for general direction by Rs.* 100.

" Sir, I want to raise a specific question of which I have already informed the hon. the Leader of the House. So far as the administration is concerned, I do not want to deal with the various difficulties which the Provincial service people are labouring under. So far as the appointment of conservators are concerned, I want to know whether it will not be desirable to

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appoint one from the provincial service or one of those that have been promoted to the Imperial from the Provincial service to one post as Conservator of Forests. I know that at the fag end of the session last year this question was raised by means of a resolution, but it was withdrawn. I would just mention one or two points for the consideration of the House as well as of the Chief Conservator of Forests. That is in view of the fact that the number of four conservators has now been raised to six, whether it is not possible to have one of these appoinments listed for the Provincial forest service or to people who have been taken from the Provincial into the Imperial. Hon. Members are aware that originally all recruitments to Imperial service were in England. Now most of them are recruited either in England or in India and are appointed after training in England. Seven officers have been promoted from the provincial forest service to the Imperial forest service. We are doubtful as to whether their position has been bettered by their promotion there. While there was increment of three grades to the people who have remained in the provincial forest service, no such increment is given to the people who have been promoted to the Imperial forest service. As matters stand, it will be absolutely impossible for any one in the provincial service or any one of the Imperial service that has been promoted from the provincial to become a Conservator of Forests. There are about 12 people above the seniors among them, and it will take them 12 years to reach even to the grade of Rs. 1,350. All the men above are younger and there is no likelihood of there being any vacancy so far as these people are concerned.

"It has been suggested deliberately by the Leader of the House in the last discussion on this point that not even one of these people will ever be fit to be a Conservator. We were told yesterday that the curtailment of 10 or 20 rupees in allowances would cause great hardship and discontent among all provincial service people. I ask whether it is fair to say that all these people are inefficient and not one of them could be found to occupy the place of a Conservator. Is this not likely to cause discontent? I am sure we will be told again now that not one of them is fit for the post of Conservator of Forests. I will take the case of one officer who is in the Travancore service as the head of the department He is a non-Brahman and his name is Mr. Raman Menon. He has been selected by the Government and his services have been lent to the Travancore Government. Is it fair to say that he is not fit to hold the post of Conservator of Forests here? Is it fair in such a case to say that unless he is trained in England he will not be able to do the Conservator's work well? Sir, it is too late for us to say that English training is much better than Indian training. So far as the five hon. Members of the Cabinet opposite are concerned, they have no English training; and for appointment of Collectors, Judges, High Court Judges and even Revenue Board Members no English training is considered necessary. But the Leader of the House would say that no one without English training is ever likely to be appointed as a Conservator Why is English training essential? Is it because we, in India, have got a number of trees that do not grow in England such as our teak, devadar, irul and other varieties, but do not have trees such as the oak, ceder, etc., that grow in England? So far as forest administration is concerned, people in England learnt forestry by going to Germany and other places. In England the training has commenced to be given only recently, whereas if you look into the history of

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India on this subject you will find that the first Conservator in the Madras Presidency was appointed in 1856. We in India have got a very old history. I consider it is the training in India that is necessary more than in England. Even the publications supplied by the Government of India clearly show that the forest administration of India is an example to be followed by other countries. So to be told that people with a good many years of training in this part of the country are not fit to be appointed as Conservators is certainly too much. I have made these representations to the Leader of the House, and I trust that he will take them into his consideration and see that out of the six appointments one is made a listed post. The question of finance may come in also in the case of lower pay. I do not think that people on Rs. 700 or 800 will insist on getting a high pay. So far as the present Conservators are concerned, some of them were all newly appointed after having been once superseded, and the claims of the Indian trained people have been ignored.

"The Leader of the House said yesterday that he would be leaving us very soon. Let him try to remedy what is considered to be an injustice in regard to the people in the Forest Department before he leaves us.

"So far as this training is concerned I have consulted several people. I have heard of Mr. Raman Menon himself in connexion with this question, one of the best persons in the Forest Department. I may say that this matter has created great discontent among the Provincial Forest officers. Many of the publications refer to the good work done by the Indian officers. All this will be a pretention and a sham unless the rights of these people are recognised and one at least out of the six appointments is considered to be listed and given to the people in the Provincial service either before or after they are promoted to the Imperial service. I based my motion for reduction on this one point, and I hope that at least one out of the six appointments will be listed and justice done to the Provincial officers in that department."

The hon. Sir LIONEL DAVIDSON:—"I find it somewhat difficult to understand how this issue arises out of a proposal to reduce the grant for general direction. I shall not deal with the technical point however, but devote myself to the merits of the issue. I did deal with the merits fully on the 11th March last year. I pointed out then that the Provincial officers had had a new avenue of advancement opened to them, namely, by transfer on promotion to the Imperial service. I added that once in the Imperial service they were equally eligible with original recruits to that service for promotion to the administrative rank, that is to the post of Conservator. I also emphasized that promotion to the rank of Conservator was a matter of definite selection. And I went on to say that if one or other of these posts of Conservator were reserved for the Provincial Forest Service, the practical effect would be the appointment thereto of officers considered unfit for transfer to the Imperial Forest service, that is to say, officers who had been definitely refused promotion to the higher service for incompetence—I do not wish to lay stress on the word 'incompetence' in the way Mr. Venkataramana Ayyangar has done; it is rather the absence of exceptional qualifications than the presence of exceptional disqualifications which I have in mind—or because they were quite junior officers and on that ground alone unfit to hold the post of Conservator.

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I have before me here a tabular statement recently prepared by the Chief Conservator, which gives particulars of the period of service in district charge or administrative work of the five officers recently in the Provincial service but now in the Imperial service. I find that in the case of these officers the period of administrative work ranges from 11 to 13 years. On the other hand the senior permanent Conservator has had 26 years' administrative experience, and the junior acting Conservator has had 16 years of such experience. To put this in another way, I may point out that these gentlemen who by their merits have obtained promotion to the Imperial service must have been for a period of many years junior in the department to the officer who is now holding the post of junior Conservator. They were probably under his orders in various capacities. I notice further from particulars given of the grade in which these individual officers first entered the Forest department, that one began as a forester, two as deputy rangers, one as a temporary clerk and one as a probationary ranger. Now, I do not wish in any way to decry the merits of these officers. They have done good service, and they have earned the reward for good service. But it is plain that in respect of training as well as in respect of administrative experience they are definitely inferior to officers senior to them in the Imperial and Provincial forest services and cannot justly expect promotion—I am now dealing for the moment with those officers in the Provincial service who have recently been transferred to the Imperial service—promotion over the heads of officers who have hitherto been directly senior to them and in positions of authority over them, have had much longer administrative experience and have received much higher technical training. It is immaterial whether the training was in England or in India. The point is that their technical training is very different from any training given to a temporary clerk, a deputy ranger or a ranger. The training in the Forest colleges at Dehra Dun or Coimbatore is definitely inferior to the training given to the officers directly recruited for the Imperial Forest service. We have had for some time past under consideration the general question of the methods of training recruits for the Forest Department, whether in England or in India. But whatever changes may be made in the future, it is generally recognised that the present training of Provincial officers at Dehra Dun or Coimbatore is definitely inferior to the grade of training requisite for incumbents of Imperial posts.

"Now, I doubt if this motion has much, if any, reference to the case of officers who have actually been transferred from the Provincial service to the Imperial service. But with reference to the remark that they have no prospect whatsoever of becoming Conservators, I may draw attention to the fact that three of them are 43 or under, and that it is quite possible if they continue to do as well in the future as apparently they have done in the past, that they will attain a stage of seniority which will make it necessary definitely to consider them for vacancies in the grade of Conservator."

2 p.m.

Mr. C. V. Venkataramana Ayyangar :—"There are twelve younger men above them who want to retire to oblige the Provincial officers promoted to the Imperial service."

The hon. Sir Lionel Davidson :—"I think the hon. Member may be somewhat mistaken. It cannot be asserted confidently that these younger men will not retire before their full time."

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Mr. C. V. VENKATARAMANA AYYANGAR :—" That is exactly what I say, and there cannot be anything extraordinary in their case."

The hon. Sir LIONEL DAVIDSON :—" The rate of promotion in the Forest Department is now so rapid that conservatorships are not very far off even for quite junior officers. I am unable to say positively whether the rate of promotion will be accelerated or retarded in future, but in my judgment it is very likely to be accelerated. In my opinion therefore these officers—when I said they were now 42 or 43, I had in view the period of time stated by Mr. Venkataramana Ayyangar—have a definite chance of becoming Conservators. So much for the officers who are in the Imperial service, having been transferred thereto from Provincial service.

" The position of those who are in the Provincial service is infinitely weaker, for such officers all come under one or other of two disqualifications ; *either*, being at the top of their grade they have not been chosen for transfer to the Imperial Forest Service, because they have not been deemed worthy of selection, *or* they are officers with only seven, eight or nine years' service who have not attained a degree of seniority justifying their transfer, and it cannot seriously be urged that their technical training or their administrative experience is such as to warrant their selection for the post of Conservator. Here I may say in conclusion that a conservatorship is not a mere post office—some people describe it as such—but if the developments of the Forest Department which I urged in my opening speech do take effect, the post of Conservator will become infinitely more important in the future. If gentlemen in this House had any detailed knowledge of the way in which, for instance, Mr. Tireman has interested himself in working out the details of the Chenat Nayar scheme, they would realize the very large responsibility that has fallen upon him. It is the duty of a Conservator to direct and control the exploitation of areas comprising hundreds of square miles. His responsibility is very great indeed. Only this morning the Chief Conservator told me that, so far from its being fair to say that in respect of such matters the Conservator was a post office, it was much nearer the truth so to describe the Chief Conservator himself. I mention this merely to emphasize what a very responsible post the post of Conservator is. At the present moment it would be in the highest degree inexpedient to post to such appointments officers who are definitely inferior in training and in administrative experience to those who stand above them on the list. I am not going to say anything about the merits of Mr. Raman Menon or Mr. Venkataramana Ayyar or any other individual officer in the Imperial or the Provincial service. Such personal references are most invidious."

The House adjourned for lunch at 2-5 p.m. and re-assembled at 2-45 p.m.

The hon. Sir LIONEL DAVIDSON :—" I am rising to a point of order, Sir. I want to draw attention to the fact that the discussion—the exact nature of which I was not aware of till the hon. Mover developed his speech—went on as if it related to the Conservators. The item of Rs. 1,02,200 relates only to the Chief Conservator and his personal assistant. Under the circumstances I do not wish to press this technical issue as the discussion is nearly over."

Mr. C. V. VENKATARAMANA AYYANGAR :—" The Leader of the House said that the discussion was over. There are a number of other people who

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would like to speak on the point. As for the point of order, I was going on with my speech to criticize the policy of the Chief Conservator and to pass a vote of censure on this particular policy of his."

The hon. the PRESIDENT :—" No hon. Member having risen to speak I now call upon Mr. C. V. Venkataramana Ayyangar to reply in case he wishes to do so."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I thank you, Sir. As I said I brought forward this motion only to show our dissatisfaction with the way in which the Chief Conservator has been doing things. Anyhow, Sir, as we expect a change in the member in charge of the department I hope that one of those present here will be in charge of it soon after the going away of our Leader of the House.

" I want to say only one thing. I am sorry to see that the whole speech of the Leader of the House has been following the principle of adding insult to injury. He not only stated that the department was not giving admission to Indians—by Indians I mean only people who have been recruited and trained in India and not people of white or brown colour who get training in England—he went further and stated that not one of these people was fit to be in the service."

The hon. Sir LIONEL DAVIDSON :—" I did not say anything of the sort."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I was adding, Sir, 'although'. Although he said that a few people who have been taken into the Imperial service now may by some chance come to the top, I want to show that to be absolutely impossible in practice. Because, now one man is on leave preparatory to retirement and another has gone to the Travancore State and yet curiously enough their places have not been filled up by the Provincial Government. Let us ignore the case of the man who has gone on leave preparatory to retirement. Let us take the case of Mr. Raman Menon and see whether there is any ghost of a chance for him to come up. He was born in 1873 nearly 50 years ago. With at least 14 people senior to him who are at least 10 to 15 years younger than himself, is it possible to suppose that all these people will be pleased to retire earlier in order to oblige Mr. Raman Menon? All that is impossible. You may put in any man in any place. It is not possible to expect any Extra Assistant Conservators who are placed in the Imperial service to go to the top at any time before he retires. Looking at it from any point of view, it is impossible, if the present rules are carried into effect, for any man trained in India and not having English training to get into a conservator's place. Then it is said that he will get over many seniors. I do not want to mention names. We all know, Sir, that at least one Collector was brought into the Executive Council over the heads of various seniors including Members of the Board. When Judicial officers are promoted to the High Court the question of seniority or juniority does not come in their way at all. In the case of the Forest officers there is no question of one being under the other or over the other. Every senior is in charge of a major district, and by the mere chance of being recruited to the Imperial service one should not be considered to be more experienced than those who work in the Provincial service."

The hon. Sir LIONEL DAVIDSON :—" Sir, it is not a mere chance. It is a definite selection."

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Mr. C. V. VENKATARAMANA AYYANGAR:—"Definite selection, simply because he comes from Europe. If to-day there is held an examination between the Extra Assistant Conservators and Deputy Conservators, I bet, Sir, the prize will go to the former."

The hon. Rai Bahadur K. VENKATA REDDI NAYUDU:—"No betting is allowed in this House, Sir." (Laughter.)

Mr. C. V. VENKATARAMANA AYYANGAR:—"With all respect to the Chief Conservator although the department has got at its head an officer with a strong personality. it is very difficult for him to get rid of his environments. His environments are all European subordinates and his views are likely to be prejudiced by them. I have known him personally, and I can testify to the fact that he is a very sympathetic and amiable gentleman. But as in the case of the district collector and in the case of the district judge such things as listing some posts may occur in the Forest Department also. In this department where local knowledge is more necessary than in any other department it is very unfortunate that a man should be tabooed unless he goes to England and gets that celestial training in Forestry. Therefore I appeal to the present member and to his successor, whoever he may be, to change the present policy and to have one at least of the appointments as listed. With these few words I beg permission to withdraw my motion."

The hon. Sir LIONEL DAVIDSON:—"I wish first to say two things, Sir: One of them is that if this motion was intended to be a vote of censure on the policy followed by the Chief Conservator, the responsibility is not his. It lies upon His Excellency and myself who are answerable for the policy, and for the appointment of Conservators."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I have no objection to transfer it."

The hon. Sir LIONEL DAVIDSON:—"Secondly, Sir, I must say that I cannot undertake to leave on record for my successor, whoever he may be, any note contrary to the opinions I have expressed in this House."

The motion was by leave withdrawn.

Motion 252.

Sriman SASI BHUSHANA RATH Mahasayo:—"Sir, I beg to make the following motion:—

252. *To reduce the allotment of two lakhs for buildings by* 1 *lakh.*

"Sir, Rs. 2,56,000 has been spent on buildings during the current year while Rs. 2,40,000 was shown in the budget estimate of 1920-21. Every year we are thus having an expenditure of more than Rs. 2,00,000 for buildings under Forests. It may be that the Forest Department may prefer development in all directions, but the proportion of expenditure on buildings seems to be very high.

"Last year, when the hon. the Home Member replied to a similar motion of Mr. Siva Rao, he said he could not reduce anything for the reason that the provision was made for works at Mount Stuart, Dhone, and in connexion with the development of Russellkonda forests, for providing houses for the subordinate staff, and that attention to that matter could not be any longer

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delayed. Last year that was the plea for obtaining sanction of Rs. 2,40,000, and I regret to see that Government have exceeded that by Rs. 16,000 during the current year. Now the hon. the Home Member comes forward with a demand of another Rs. 2,00,000. I think there is no necessity for this large expenditure on buildings. At least we could delay this expenditure for some time and spread the sum over a number of years, and I therefore propose a reduction of this expenditure by Rs. 1,00,000."

The hon. Sir LIONEL DAVIDSON :—" Sir, I find it very difficult to deal with this series of proposals for reductions under this head. It would be much easier to handle a general proposition for a deduction from the aggregate grant for forests coupled with the clear understanding that the discretion where to apportion it rests with Government. The main difficulty about any such aggregate deduction is that it is exceedingly hard to distribute it in such a way as not to prejudice the receipt side of the budget, which has not come before this Council specifically for examination. Now, in this particular instance all I can say in regard to the allotment for buildings is that it is made up of a large number of detailed proposals, proposals which have been worked out and provide definitely for officers—rangers, foresters, guards —employed in particular forest areas, whom it is important to house in a manner which will save their health from unnecessary exposure to Malaria and other risks. I do not propose to expatiate in detail on the hygienic conditions required, but health is obviously dependent to a great extent upon adequate arrangements for water-supply, housing, etc. No medical man will gainsay that the surroundings of houses have much to do with the health of the officers who reside in them. Of course good housing is not an absolute preventive of malaria but it has a very definite bearing on the health of officers if they are decently housed.

" Now let me examine how this particular item stood as originally put forward by the Chief Conservator. The sum he asked for was Rs. 2,58,000, which he regarded as the absolute minimum in view of the extent to which the building programme had been stopped during the war. The Government cut down this figure by Rs. 58,000, and I am confident that further curtailment is out of the question. I would therefore advise the House to leave this item alone ; if they really wish to press for a cut, let it be on the aggregate amount of the budget and not exceeding a reasonable figure— I say reasonable because the Hous e must bear in mind that any large cut is bound to react very seriously on the receipt side."

Sriman SASI BHUSHANA RATH Mahasayo :—" Last year, Sir, the hon. the Home Member did not give us any figures as to the need for new works, and the amount required for new works, for repairs, etc. In the absence of any definite idea as to how these monies are going to be spent under this head, it is rather hard for the House to accept the statement made by the hon. the Home Member."

3 p.m.

The hon. Sir LIONEL DAVIDSON :—" Sir, may I rise at once to say that if the hon. Member would like to have details, I am prepared to give them ? "

Sriman SASI BHUSHANA RATH Mahasayo :—" If there is any detailed statement giving all the information available, I do not want to press my motion."

The motion was by leave withdrawn.

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Motion 253.

Rai Bahadur T. M. NARASIMHACHARLU :—"Sir, I beg to make the following motion :—

253. *To reduce the allotment of Rs.* 4,74,500 *for communications and buildings by Rs.* 1,00,000.

"I wish to be informed what these roads and bridges are intended for. We find that every year considerable sums are being spent for the construction of roads and bridges and of course upon buildings. The hon. the leader of the House has told us during the debate on the last motion that he is ready to give us the details. I wish to know similarly whether in connexion with communications and buildings, there are details, and whether these are quite essential. We spent Rs. 3,00,000 in 1920–21, and we have spent a similar amount during the current year and we propose to spend Rs. 2,59,500 for the next year. Another thing that I want to say is that the hon. the Leader of the House told us that he would rather prefer to have a general cutting of a certain percentage, and if he would tell us that it would not be less than 2½ per cent as was done in the case of grant No. I, I think, Sir, that would satisfy the House. So I wish to have some information on these two points."

The hon. Sir LIONEL DAVIDSON :—"Sir, the statement which is in my hands gives the details in regard to roads and communications. The first and in some respects the most important item is that relating to roads and cart-tracks for exploitation of forests. The reason why these roads and cart-tracks are necessary is that felling operations are not confined to any particular area. According to the working plans, the whole forest area is divided into definite segments, and segment after segment is taken up for felling purposes. As this is done, it is necessary to extend the existing roads and make further roads and cart-tracks in order that the timber felled in such fresh areas may be brought to market. The next item is bridle and inspection paths, which also have to be extended as fresh areas are brought under management, as for instance in connexion with the large schemes in Tinnevelly, South Kanara and Malabar. Then there is the item of pending works or works in progress but not yet completed. Lastly, and this is an item which accounts for about half of the total estimate, there is the upkeep and repair of existing communications. Full details by circles and districts are given here in the statement under all these heads. As to the general necessity for roads and communications, take as an instance a proposal submitted and approved for the construction of a useful road—work in connexion with a particular tract of forest which is being brought under felling operations for the first time in the coming year. Without such a road the felled timber could not be brought to market, and a substantial item of receipt would be cut out. Thus, it would be false economy to restrict expenditure on that particular work.

"I turn now, Sir, to the general proposition which the House is apparently ready to accept, that is, a reduction of 2½ per cent of the whole budget estimate under this head. I am willing to agree to that, if it is the general desire of the House, in order to cut short the rather wearisome discussions which otherwise we have before us, provided firstly that it is clearly understood that I cannot absolutely guarantee that the proposed cut of 2½ per cent will not have some effect on the receipt side of the budget. I made

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a similar cut at the instance of the Cabinet the other day, and we found it involved a substantial loss in receipts. It is necessary to examine the items very carefully in order to make certain that the loss in receipts does not exceed the saving in expenditure."

Mr. O. TANIKACHALA CHETTIYAR :—"May I know, Sir, if, when this 2½ per cent reduction is made, the Chenat Nayar scheme will be eliminated from this allotment ?"

The hon. Sir LIONEL DAVIDSON :—"I was just coming to that and was about to point out that the 2½ per cent reduction could be accepted only with the further stipulation that it should be within the discretion of Government to effect the saving under such particular heads of expenditure as they thought fit. I certainly cannot make an exception in the case of the Chenat Nayar scheme, for I am persuaded that it is essential to go on with that scheme, as an integral part of the general programme of forest exploitation. I want to bring that matter to a definite issue and do not in the least wish to shirk or evade the issue. I would ask the Council as a whole whether it is not wiser to abide by the guidance of experts in such a matter. The Government of Madras are not acting merely on their own view of the case; it is not my personal opinion that is in issue. The developments of to-day in this direction are the result of work initiated more than two years ago during the time when His Excellency was in charge of the portfolio. They are the logical sequence of an order passed in 1919 laying down the general lines of the Chenat Nayar forest operations. We have taken the utmost pains to consult those who are most competent to advise on the matter and they are unanimous in their advice that the scheme is sound, and that it would be folly to abandon it. We have consulted the Inspector-General of Forests, and we have had the benefit of an important discussion on the whole question of forest utilization, which recently took place at Dehra Dun."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"If we are not going to decide on the Chenat Nayar scheme, I do not think we can come to any general agreement on this motion. I think that Sir Lionel Davidson agreed that that scheme could stand over. If that is not the case, I do not want that the House should come to any conclusion on this motion."

The hon. the PRESIDENT :—"Order, order. The House cannot possibly come to any decision just now on what has been called the Chenat Nayar scheme. What we are now discussing is the motion to reduce the allotment of Rs. 4,74,500 for communications and buildings by Rs. 1,00,000. Whether the Chenat Nayar scheme is included in the sum of Rs. 4,74,500 or in the sum of Rs. 1,00,000; I do not know; but why I allowed the hon. the Home Member to speak was because the hon. Member has put forward the view that should the House insist upon a reduction, it would be more convenient to the department if some total reduction were agreed upon, the discretion being left to the Government to settle details instead of having a debate on each of the items. He deprecated the further discussion of this motion moved by Mr. Narasimhacharlu on the ground that it would be better to adopt the other course. So far as Mr. Ramalinga Chettiyar is concerned, he has raised the issue that nothing that we may now decide

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upon this item on the agenda should dispose of what he calls the Chenat Nayar scheme. But that scheme is not on the agenda at all, so far as I can see."

The hon. Sir LIONEL DAVIDSON :—"I do not wish, Sir, to mention the Chenat Nayar scheme any further, but I do want to safeguard myself against any idea that in accepting the suggestion of a $2\frac{1}{2}$ per cent cut from the whole budget I am at the same time consenting to the elimination of an item which I regard as of extreme importance. I could not accept a $2\frac{1}{2}$ per cent cut if it were coupled with the condition that that the scheme should be cut out."

Rai Bahadur T. M. NARASIMHACHARLU :—"In the light of what the hon. the Home Member has said, I do not wish to press my motion."

The motion was by leave withdrawn.

Motion 254.

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Sir, I beg to make the following motion :—

254. *To reduce the allotment of Rs.* 4,74,500 *for communications and buildings by Rs.* 100.

"Sir, under this head of buildings and communications I was not able, when the detailed budget was placed in our hands, to understand how much of it was for original works and how much for repairs. Out of the original works, I know that some are of a very petty nature and some may be required in connexion with large forests where timber is to be felled and removed. I think the Government will be well advised to give those items separately and work out the schemes. Instead of throwing the whole burden on the revenues of a single year, they must raise a loan and run these concerns. The only point I want to urge is this, that when Government wish to have communications and buildings constructed in big forests where large revenue is expected, those schemes must not be run out of the ordinary revenues of the province but they must be met from loans. I have given notice of this motion in order to raise that point. If this list which the hon. Sir Lionel Davidson has referred to contains any such big items, it is a matter for consideration whether the Government will be well advised to set apart those items as loan items instead of meeting the expenditure out of the ordinary revenues."

The hon. Sir LIONEL DAVIDSON :—"As you have allowed this motion, Sir, and not ruled it out of order as covered by the previous motion, I am quite ready to answer at once and say that the advisability of debiting capital expenditure of this kind to loan funds has been considered and will be considered in future if the amounts in issue are sufficiently large. We examined the matter in some detail last June when His Excellency went up to Simla, and one of the questions which he was anxious to press or discuss at the time was the raising of a substantial development loan for Madras. The question whether that loan should include any large provision for capital outlay on the Forest department was considered at the time. I cannot say exactly what the conclusion arrived at was, but I think it was to the effect that the sum immediatly in issue was not sufficiently large to justify recourse to borrowing. It was only a matter of 5, 6 or 7 lakhs, I forget exactly how much, but I do know that the question of raising a loan

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for communications and other capital outlay in regard to this particular Chenat Nayar scheme was examined and that the advice given was that it was possible to finance that scheme and most similar schemes out of the current profits derived each year. This may or may not be sound policy, and I am quite ready to re-examine the issue for future purposes."

3-15 p.m.

Rao Bahadur C. V. S. NARASIMHA RAJU :— "It is a matter for the Finance Member to consider how these details are to be placed in the hands of the Council so as to enable the House to say which items can be met from the provincial funds and which items should be met from loans. If really an amount is intended for a continuous period or a particular programme having to be finished, certainly I do object to its being thrown on the provincial revenues. It is for the benefit of the generations to come and it is not just and reasonable that all the burden should be thrown upon the revenues of the province. If it is contemplated that this should be met from the provincial revenues, I should think the Council would have a serious objection. Now as the details are not before the House, I have no objection to withdraw."

The motion was by leave withdrawn.

Motion 255.

The following motion was not made :—

Rai Bahadur T. M. NARASIMHACHARLU :—

255. *To reduce the allot ment of Rs.* 1,10,000 *for protection from fire by Rs.* 50,000.

Motion 256.

Rai Bahadur T. M. NARASIMHACHARLU :—"Sir, I beg to make the following motion :—

256. *To reduce the allotment of Rs.* 1,17,000 *for other works by Rs.* 50,000.

"Sir, I wish to make this motion only for the sake of obtaining information whether the expenditure proposed is proper. I wish to know, Sir, what the details of these 'other works' are."

The hon. Sir LIONEL DAVIDSON :—"I think, Sir, that exactly the same question was asked last year and the details of the 'other works' will be found at page 59 of the Forest Code. I beg to include items such as fencing, enclosing, pruning, lopping and girdling useless trees and cutting creepers, forming tanks and reservoirs for the convenience of cattle-grazing. They are operations which are necessary for the development of the forests and the provision made is considerably less than the actuals of 1920-21."

Rai Bahadur T. M. NARASIMHACHARLU :—"I do not press my motion, Sir."

The motion was by leave withdrawn.

Motions 257 *and* 258.

The following motions were not made :—

Mr. T. ARUMAINATHA PILLAI :—

257. *To reduce the provision of Rs.* 17,47,800 *for conservancy and works by Rs.* 1,00,000.

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18th March 1922]

Mr. B. MUNISWAMI NAYUDU :—

258. *To reduce the allotment of Rs.* 17,47,800 *for conservancy and works by Rs.* 1,50,000.

Motion 259.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"I make the following motion :—

259. *To reduce the allotment of Rs.* 17,47,800 *for conservancy and works by Rs.* 1,50,000.

"I may state at once that I have given notice of this motion to delete the provision made for working the Chenat Nayar forests. From the papers circulated to us it may be seen that we are going to commence in these forests a big scheme of exploitation and we are asked to invest a sum of over 24 lakhs to work this scheme in the next three or four years. Even this 24 lakhs is said by the Chief Conservator to be an under-estimate.

"I believe we have a golden mine in the forests and that they have not been exploited to the best advantage hitherto. The income we were getting from the forests is very low when compared with the value of the investment. The hon. the Home Member has taken a period of 30 years and given the net income for the period and the result has not been sufficiently promising. I may say, Sir, that I am one of those that think that the Government have not done what they ought to have done. We had been thinking that we have been doing all that is possible with reference to these forests and many of us have been disappointed that the return is not as much as could be reasonably expected. The working of the Chenat Nayar scheme is a typical instance of the way in which things are done. Even a lay man like myself could see from the reports of the responsible officer circulated to us that up to this date this forest business has been a failure. There has been no return calculated for the huge property in the shape of the forest property and no calculations have been made of the cost of the permanent staff employed and no calculation of interest on the capital expenditure has been made. Again, Sir, it is stated that timber worth about Rs. 36,000 is remaining idle on the site. In spite of all these it is said that there is a loss of over Rs. 4,000 in the working of these forests up to date. And then with regard to the future, the admissions that have been made by the conservators of the forests in the reports show that we cannot expect even the future to be in any way different from the past. We also learn that even a contour map is not available. Of course forests in India are very different from those in other countries. No enumeration survey has been made and we have no information as to the quantity and quality of timber available. It is also said that there is no market at present for many of the timber. So, Sir, in this position we are asked to give a large sum of money for investment in this scheme. Without having any of these necessary details if we commit our country to this huge sum what would be said of us? We are more or less trustees and we must be careful how we utilize the funds at our disposal. If further enquiries are made on all these lines and a market is found for the timber available, if after all these things are done, and if with those data the Government will

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ask us for funds we can be in a better position to give. Till then as trustees of the public funds we shall not be properly discharging our duties if we commit ourselves, the country and the future generations in this manner.

3-30 p.m.

"Well, Sir, from the figures that are given at page 27, it could be seen what actual expenditure was incurred and how much we would lose by not continuing the scheme. Of course you cannot expect any saving from what is shown as ordinary expenditure as it is already spent.

The capital expenditure consists of—
purchase of 112 buffaloes,
purchase of stores, tools and plant,
construction of Olavakode-Dhoni road,
construction of road to Sappal camp,
construction of footpaths,
construction of dragpaths and slides,
clearing depot site at Dhoni,
construction of buildings,
water-supply,
pay and travelling allowances of special establishment, and
surveys, enumeration surveys and miscellaneous.

"These are the items, Sir, of capital expenditure which it is said we will lose if we do not continue the work. With regard to these items, a further question arises, namely that of utilizing such of those things as can be so utilized elsewhere. As regards the buffaloes, they can be used in the Nilambur and Mount Stuart forests all close by, so that there will be no loss under this head. With regard to stores, tools and plant, they also can be utilized in other forests without any loss as will be agreed by all of us. Then there are the Olavakode-Dhoni road and the other road to Sappal camp which we will have to leave.

"With regard to the footpaths and dragpaths, I beg to submit that the classification is not clear. Footpaths can only serve a limited area and with reference to the other areas they cannot be of any use whatsoever, and when we go back to use the same plot of land 50 or 60 years afterwards we will have to remake them. It is only when we work particular plots these footpaths will be required and once those plots are worked up they go out of use. So there is no loss at all under this item.

"With regard to buildings and the site, we will not have to lose anything as the price of buildings and site is said to be increasing day by day at Olavakode. What I say is that if the Government after making further investigations and collecting all the data necessary are satisfied and the Council is also convinced that it is going to be a profitable concern, I shall be glad to support the commencement of the whole scheme again.

"With regard to the last item, i.e., pay and travelling allowance of special establishment, I cannot really understand how it can be brought under capital expenditure. It ought to be ordinary expenditure and so there will be no loss under this head by giving up the scheme. After all, our loss under these heads will be about Rs. 50,000 or Rs. 60,000, even if it is a question of permanently giving up the scheme. As I said, we have not yet

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decided once for all as to what we should do. So, the loss will not be even so much as that. Even if it comes to Rs. 50,000 or Rs. 60,000, I think it is better to lose Rs. 50,000 or Rs. 60,000 than committing ourselves to a huge expenditure of about 24 or 25 lakhs of rupees and afterwards find ourselves mistaken. For these reasons, I move for the reduction of the allotment and request the Council to accept it."

Rao Bahadur T. NAMBERUMAL CHETTIYAR :—" Much has been said about the Chenat Nayar scheme having been a failure. On the other hand, I would say that with the figures before us, I can convince the House that it was a profitable venture and not one which was not attended with success. For, what any businessman would do under the circumstances has been done in this case, and a portion of the expenditure which ought to have been debited to capital account has been debited to Revenue, and hence there is a loss of Rs. 4,108 as shown at page 28 of the circular on forest exploitation. A sum of Rs. 8,000 which was the expenditure incurred under freight has been debited to Revenue, which I think ought to go to the capital account. Any businessman would try to advertise as best as he can his wares and try also to get a good bidder. In this case as a sort of advertisement timber has been sent from Olavakode to Kolar Gold Fields at the expense of the Forest department, only to induce purchasers there to make a contract for purchase of the output. Such expenditure should not be debited as expenditure during the year, but should be carried to the capital account to be annually written off under depreciation. If this view, that I suggest, is accepted, the income would have been Rs. 4,000 or more, and there would not have been a loss as is shown in that circular.

" Another point has been mentioned by the mover that the value of the timber at the site which is not sold has been taken into account as Rs. 32,000 or so, and that this stock which is on hand, he was afraid, may or may not fetch the price fixed, and that it is likely to end in a loss. Any businessman would take into account the value of the stock on hand to ascertain the result of his venture. In this case, actual cost was taken ; and who knows the stock on hand would not fetch more. This venture is the first of its kind, and if I mention other ventures of the same nature elsewhere I am sure he will withdraw the motion and recommend further expenditure on ventures of this sort. For instance, Sir, the net income of the Cochin Government prior to the forest tramway was not more than Rs. 6,000 per annum. After the introduction of the tramway, and after the virgin forests were tapped, the net income was Rs. 3 lakhs or so. Sir, you will thus see the difference between the net income prior to the introduction of facilities for bringing forest produce into the market, and the net income when these facilities were obtainable is as one is to fifty. The forest revenue has since been better year after year, and that ought to convince us to push on further ventures of this kind. The mover has spoken of certain timbers which may or may not find a market. All I can say is that with modern facilities and modern appliances, even inferior timber could be turned to profitable account. Sleepers creosoted, so to say, even from inferior timber will be accepted by Railway companies ; and therefore an attempt should be made in that direction to get the proper plant. Last year, Sir, we lost something like Rs. 30 lakhs by the timber being purchased elsewhere. This year, i.e., in February 1922, the Railway administration in Southern India has called for tenders for about 280,000 sleepers of which 230,000 or so were thrown open

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to the markets of Australia. The value of the sweepers shut out is something like Rs. 30 or 35 lakhs. Such an amount is going out of the country. If our forests are developed, I am sure all that money will be in the country. I would therefore not grudge any expenditure on forest exploitation and not leave the virgin forests untapped for want of funds.

"The hon. Mover has spoken about Rs. 24 lakhs as the sum required, and said that we should consider well before any further venture is made. We are not asked for Rs. 24 lakhs now and this does not form a portion of the budget. The mover suggests that Chenat Nayar forest scheme may be abandoned, and also suggests ways and means of utilizing the buildings already put up. These suggestions, if adopted, will certainly result in a loss. To stop the working is a retrograde step and ought not to be allowed. Capital expenditure has already been incurred and no further expenditure would be required. I will therefore suggest that the scheme should not be abandoned; and I assure the House that, if continued, it will add to the revenue."

The hon. Sir LIONEL DAVIDSON:—"We have just had an exposition of some of the business aspects of this project from the hon. Member Mr. Namberumal Chetti whose competence to advise on such aspects will I imagine be generally admitted in this House. Mr. Ramalinga Chettiyar has favoured us with a detailed examination of the scheme, covering very much the same ground as the note which he put into the Finance Committee the other day. That note has been examined by the Chief Conservator, who has furnished me with valuable criticisms, which I propose at least in part to utilize. In some respects I find that Mr. Ramalinga Chettiyar is in error in his statements of fact. I do not blame him for this as it is possible that incorrect information was supplied to him. There is however certainly a mistake in the statement that there is no satisfactory topographical map in existence. There is an excellent topographical map in existence."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"I may state that all these statements that I have made are made on the basis of the reports of Mr. Cox and Mr. Martin and I have introduced not a single word or sentence of my own."

The hon. Sir LIONEL DAVIDSON:—"I expressly stated, Sir, that the information supplied to him may not have been correct. I am now supplying correct information on this particular point. There is in fact a good topographical map.

"Then criticism was directed to the supposed absence of stock-maps and forest enumeration. But as a matter of fact, the whole area in the Dhoni valley has been mapped and enumerated and we do possess an exact knowledge of the timber to be obtained, that is to say a reasonably exact knowledge. The work had not been completed when Mr. Cox was interviewed by the Members of the Finance Committee. But it has since been completed. Surely, Sir, there are technical matters which Mr. Ramalinga Chettiyar and other laymen might well leave to the judgment of trained forest officers or persons whose technical knowledge enables them to express a decided and trustworthy opinion whether certain projects are practicable or not. We are not relying only on the opinions of our own forest officers. We have had the merits of the scheme laid in detail before the Inspector-General of Forests for all India, Mr. Clutterbuck. I am not going to attempt to go into the details

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at all. But this, I will say, that with all the facts before him, Mr. Clutterbuck, the Inspector-General of Forests and Chief Adviser to the Government of India on all forest matters, has recommended the developments which we are now pushing. I think, Sir, that ought to be good enough for this House to go on.

"There are one or two minor points of detail which Mr. Ramalinga Chettiyar has touched. He has told us that it will be practically impossible to bring timber from one side of the ridge to another except at prohibitive cost."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"I did not say anything like that."

The hon. Sir LIONEL DAVIDSON:—"Well, Sir, the statement has been repeated whoever may be responsible for it. It is exactly for that class of operations the services of highly skilled forest engineers are required. Most of us, or many of us, in this House were present the other day at the cinema exhibition which was held for the express purpose of showing how difficult operations of that kind can be carried out with the aid of the proper appliances. I am not absolutely certain in my recollection, but I believe that this particular problem was dealt with in one of the films exhibited.

"My hon. Colleague, Sir Charles Todhunter, reminds me that the actual picture exhibited a donkey engine close to the top of a ridge with a wire rope reaching down to the bottom of the valley on the other side. Practical engineering experience of this kind is exactly not to be found anywhere in India now and it is exactly that difficulty which makes me press so strongly for the engagement of an expert like Mr. Martin who can keep us from errors and mistakes and who will tell us how works of this kind are to be carried out without loss.

3-45 p.m.

"There has been a good deal of general criticism on the question whether or not the first eighteen months' working, the Chenat Nayar scheme, as it is called, has resulted in a profit or loss. I am not going to lay down any dogmatic proposition on the subject for whether there has actually been loss or profit during the past eighteen months or two years, I take my stand on the broad proposition that big ventures of this description are not to be judged merely by the figures of the first year or two. If gentlemen who are competent to examine the working of such schemes are satisfied that notwithstanding possible loss during the first year or two valuable experience has been gained and that there are substantial reasons for going on, I look on that as sufficient guarantee against loss in the future. Without doubt valuable experience has been gained during the past year in so far as the scheme has demonstrated the possibility of extracting timber from areas previously supposed to be inaccessible. We have been asked why should not this unprofitable scheme be turned down and the problem of exploiting forest resources on modern lines be transferred to other areas. My answer to that, Sir, is that on a consideration of the forest areas of the whole of the Presidency the Chief Conservator came to the conclusion—and I have no doubt he was quite right—that by far the best place for beginning experimental work of this kind was in the neighbourhood of Chenat Nayar. There are no ever-green forests in the Presidency so well provided with access to the railway and the

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markets as this place, which is quite close to Olavakode—a large timber market and a railway town. We have sufficiently accurate information about the forests and we are now felling a large variety of timbers for which we are likely to get a firm demand from the Kolar Gold Fields. We know also that since these operations began the possibilities of market developments have very much increased. We know, that there are methods of seasoning the soft woods and the experiments made under that head have so far been exceedingly favourable. We know that timbers taken out from these areas are regarded with the highest favour in England. We know—I do not want to attach any particular importance to English opinion on the matter, but it is the case—that there is a very large demand, a growing demand for timber from England. A representative of Messrs. Howard & Co., who are timber agents of the Government of India and the Secretary of State, has been in Southern India during the past few weeks and I may tell the House that the figures he mentioned in regard to the immediate demand for timber in England run into thousands of tons. All our expert advice is in the direction of the conclusion that whatever is taken out of these forests will be saleable at a profit on the whole transaction sooner or later. I have said, Sir, that the Chenat Nayar forests are well adapted to this class of experiment. If the initial operations have not been clearly profitable, that is due mainly to the fact that we have not had the expert advice which we hope to obtain in the future. It would be quite easy, if I had time to touch on the details of the scheme, to point out, as Mr. Cox, in one of the papers communicated to the hon. Members of this House, has done, the various respects in which the initial operations were defective. Broadly speaking there was not a sufficiency of supervision and control over the subordinates employed on the spot. If it is said that these operations should now be stopped, the machinery, the live-stock and everything transferred to other areas, I reply in the first instance that there are no other equally suitable areas. With regard to the proposal to sell or scrap the buildings my answer is that the staff buildings in the heart of the forest are quite unsaleable and would be useless if the operations were closed down. Lastly, I may say that if this considered scheme of expenditure be cut out, there will be a corresponding reduction of at least Rs. 75,000 on the receipt side, being the profits anticipated from the venture."

Mr. O. Tanikachala Chettiyar:—" Sir, I propose, with your permission, to ask the hon. the Home Member if he would, in view of certain uncertainties which appear from the reports which have been submitted to us and which I will presently point out, give an undertaking that, if this item which appears in connexion with the Chenat Nayar forest scheme in the budget for the next year is allowed, the Government will not commit themselves to any expenditure or contract in respect of purchase of machinery until the House has had an opportunity of discussing the matter in full or until both the Forest Advisory Committee and the Finance Committee have had an opportunity of going into it. My reasons are these. At page 22 of the book which has been circulated to us it is said that Mr. Tireman's proposals involve an expenditure spread over three years of Rs. 24,44,400 and by the exploitation and sale of timber during that period a profit of 16 lakhs. At page 21 of the same book it is stated 'Still less can we form an accurate idea of profits to be realized if and when the various subsidiary works connected with the exploitation of the forests are in use.' Again at page 18 we find: 'Whether the estimates include

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freight, insurance, customs, carriage and erection is not stated.' The calculations that have been made and presented in this book are those of Mr. Martin and of Mr. Tireman without our knowing whether the prices which are given there include freight, insurance, customs, carriage and erection. In the case of machinery, incidentally it is said, ordered in England for the Russellkonda saw mill the estimates were exceeded by about 100 per cent due to increase of freight 4 per cent, increase of manufacture cost 55 per cent and in the rate of exchange 41 per cent. So that, after the fate that has befallen the Russellkonda saw mill machinery, if we consent to the purchase of machinery under this scheme, it may be that we and our successors would be committing ourselves to an expenditure of 50 lakhs of rupees. There is a good deal of uncertainty about this. Mr. Tireman has made calculations as to how these things are to be done at page 19 of the book. He proposes to erect a saw mill at a cost of 3 lakhs and erect a seasoning plant at a cost of 4 lakhs. No doubt this is an estimate, but what knowledge he possesses of the cost is not known. 'Mr. Tireman's estimate,' it is stated at page 19, 'for a saw mill is presumably based on the cost of that now under erection at Russellkonda. It is probable that for an expenditure of 3 lakhs a larger and more fully-equipped mill than the Russellkonda mill could be provided.' With regard to the seasoning plant that is proposed to season thick sleepers with the aid of certain chemicals, rendering them fit for use as sleepers, there is at present no reliable information as to the type of plant, as to its purpose or its cost. We are merely told that one plant will cost 3 lakhs and another 4 lakhs. In this way we are told that the total cost would come to 24 lakhs and judging, as I said, by Russellkonda it may be 48 lakhs. No doubt the one and a half lakhs provided for this year can be granted. But the apprehension of several sections of this House is that as in the case of the Russellkonda scheme where a contract was entered into before ever the scheme was placed before the Council for the sanction of the required amount when it was found that it was too late for us, however willing, to undo the thing, in this case also we do not want, by reason of finding this sum of one and a half lakhs which is part of a scheme costing 24 lakhs, by implication, commit ourselves to the whole of this Chenat Nayar scheme. Of the machinery and other things required, as to the value and utility of it there seems to be no correct information and the Government can very well say if the estimates exceeded that they could not be blamed. We are anxious, therefore, that while some concession may be made by the House, at the same time in the name of the sanction that is impliedly granted to the one and a half lakhs for this year we shall not be said to have committed ourselves to the entire cost thereof until more information is forthcoming. I do not say that the scheme will not be successful, but all that I say is, there is a good deal of room for investigation, for more information, and until all that has been ascertained and placed before this House and considered by it, no final decision must be come to either by Government or by its officers. In these circumstances, I request the hon. the Home Member to tell us whether he is prepared to say that no contracts will be entered into without the sanction of the House or until the whole of this thing shall be fully considered by this House and I trust that it is a reasonable request."

The hon. Sir Lionel Davidson :—Sir, I should like to know what exactly Mr. Tanikachala Chettiyar means by contracts, but before I ask him that specific question, I am quite ready to go a very long way to

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meet him in this matter. I may say, as a matter of fact, that the reduction in the Chenat Nair scheme as compared with the figures originally put forward is based on the need for caution, because we felt as Mr. Tanikachala Chettiyar feels, that there was need for further investigation. The Chenat Nayar scheme as it is put down in this budget is not identical with the much larger proposals which we hope to work out under the guidance of Mr. Martin. The provision that is made this year, Sir, is a logical consequence of the administrative approval given to the work in the Chenat Nayar forests in November 1919. It is not what is sometimes loosely called Mr. Martin's scheme. We originally proposed the purchase of stores, tools and plants, such as additional tractors, waggons, oil tanks, fuel and other items, but since this year's budget came in we have eliminated practically all such items. All these go out because we wish to have Mr. Martin's advice as to what exactly we should get and when, because we felt with the hon. Member, Mr. Tanikachala Chettiyar, that further investigation, further examination was desirable. We cannot carry out that further examination or investigation or frame proposals unless this House will agree to secure for us expert advice in the affair. The final scheme will in the ordinary course under the rules of this Government and the Council come before the Forest Advisory Committee and the Finance Committee.

"In the meantime all that I ask is that we should continue expenditure on present lines in general and without any large development. Sir, it was made a matter of criticism last year and it has been repeated to-day that contracts were entered into in the case of the Russellkonda saw mill without consultation with the Council. My answer is, so far as that is concerned, that the arrangements were entered into before this House came into being. I do not want to revive or refer to that *infandum dolerem*. It is an oft-told tale which I do not want to repeat. But it is because of that very issue as raised in the case of the Russellkonda saw mill that I come before this House to-day and say that I must have an expert adviser to work out the details of schemes which we are confident will be to the very great advantage of the Presidency of Madras and the ryots who pay the taxes of the Presidency. We must have an expert on whom we can rely for this purpose If we do not get such a man then I, for one, shall advise the complete shutting down of all development operations, because what little experience we have gained shows that highly trained advice is necessary to bring such experiments to a successful conclusion. To return to the invitation addressed to me, I am quite ready to undertake that no large development shall take place without being brought forward before the Forest Advisory Committee and the Finance Committee. But I do ask, and ask with all the insistence in my power, that we should be allowed to have an adviser who can give us advice which we shall feel justified in accepting."

Rao Bahadur T. A. Ramalinga Chettiyar :—"Sir, on the assurance given by the hon. the Home Member, I request permission to withdraw this motion."

4 p.m.

The motion was by leave withdrawn.

The hon. the President :—"Before proceeding further I would remind the House that the period of half a day, or three hours, allowed for this demand will expire at half past four and at half past four all other motions will automatically lapse, and I shall have to put the demand to the House."

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Motions 260 *to* 264.

The following motions were not made :—

Mr. C. RAMALINGA REDDI :—

260. *To reduce the allotment of Rs.* 17,47,800 *for conservancy and works by Rs.* 2 *lakhs.*

Mr. O. TANIKACHALA CHETTIYAR :—

261. *To reduce the allotment of Rs.* 17,47,800 *for conservancy and works by Rs.* 2,00,000.

Mr. A. RANGANATHA MUDALIYAR :—

262. *To reduce the allotment of Rs.* 18,28,500 *for conservancy and works (including Agency) by Rs.* 100.

Mr. M. NARAYANASWAMI REDDI :—

263. *To reduce the allotment of Rs.* 1,67,000 *for extra assistant conservators by Rs.* 1,00,000.

Rai Bahadur T. M. NARASIMHACHARLU :—

264. *To omit the allotment of Rs.* 15,600 *for five supernumerary extra assistant conservators.*

Motion 265.

Rao Bahadur K. GOPALAKRISHNAYYA :—"Sir, I beg to make the following motion :—

265. *To omit the allotment of Rs.* 3,000 *for duty allowance for extra assistant conservators in major charge districts.*

"The reason is the same as was advanced in the case of duty allowance in other departments and I do not want to repeat the same. When this House is committed to a policy of reducing duty allowances, it should be done in this case also."

The hon. Sir LIONEL DAVIDSON :—"The duty allowances provided in this case, Sir, are part of the scale of remuneration sanctioned by the Government of India and the Secretary of State on the recommendation of the Public Service Commission, and I believe that whereas formerly there were only one or two such allowances, there is a proposal to increase their number. I cannot lay my hands on chapter and verse for that proposition, but I believe it to be a generally admitted fact. If these allowances be removed, I need hardly say that their withdrawal would cause justifiable discontent on the part of the incumbents who have been in receipt of the allowance for some time past. And much as I wish to avoid wasting the time of the Council, I am afraid I shall have again to impose the responsibility for this on those who vote for the motion."

Rao Bahadur K. GOPALAKRISHNAYYA :—"In the light of the information that has been given by the hon. the Home Member, I do not want to press this motion."

The motion was by leave withdrawn.

Motions 266 *to* 275.

The following motions were not made :—

Mr. M. NARAYANASWAMI REDDI :—

266. *To omit the allotment of Rs.* 3,000 *for duty allowance for extra assistant conservators in major charge districts.*

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Rao Sahib U. Rama Rao :—

267. *To omit the allotment of Rs.* 3,000 *for duty allowance for extra assistant conservators in major charge districts.*

Sriman Sasi Bhushana Rath Mahasayo :—

268. *To omit the allotment of Rs.* 3,900 *for one inspector of live-stock.*

Rao Bahadur K. Gopalakrishnayya :—

269. *To omit the allotment of Rs.* 1,200 *for local allowance for forest research officer.*

Mr. M. Appalanarasayya Nayudu :—

270. *To reduce the allotment of Rs.* 6,69,730 *for salaries by Rs.* 1,00,000.

Rai Bahadur T. M. Narasimhacharlu :—

271. *To omit the allotment of Rs.* 10,800 *for supernumerary rangers.*

Rai Bahadur T. M. Narasimhacharlu :—

272. *To reduce the allotment of Rs.* 20,200 *for vernacular training school by Rs.* 12,000.

Rai Bahadur T. M. Narasimhacharlu :—

273. *To omit the allotment of Rs.* 3,500 *for cost of training probationers in Dehra Dun College.*

Rai Bahadur T. M. Narasimhacharlu :—

274. *To reduce the allotment of Rs.* 6,344, *cost of* 48 *hands in attenders, duffadars, peons in conservators' establishment by cost of* 16 *hands.*

Rai Bahadur T. M. Narasimhacharlu :—

275. *To reduce the allotment of Rs.* 1,32,030, *cost of* 256 *hands of temporary clerks and servants provided for under district forest office establishment by cost of* 164 *hands.*

Motion 276.

Rao Bahadur A. S. Krishna Rao Pantulu :—"Sir, I beg to move the following :—

276. *To reduce the allotment of Rs.* 15,45,780 *for forest establishment by* 1·50 *lakhs.*

"In view of the discussion we have had on the previous motions, I think it is desirable that out of a large scheme provided for expenditure under establishment, a total sum of 1½ lakhs should be omitted, leaving it to the member in charge to effect that reduction under any item. I do not think it is necessary to say anything more at present, because we are doing this with the object of saving as much money as possible and of lessening the burden on the tax-payer."

The hon. Sir Lionel Davidson :—"Sir, I am sorry to say that I cannot accept Mr. Krishna Rao's motion for a reduction of 1½ lakhs under establishment as it is more than the 1·06 lakhs which I agreed to. Also in reducing that amount, I really must ask the House to give me entire discretion as to how to effect that reduction. I cannot agree to a reduction of 1½ lakhs or to its being taken off the establishment charges."

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Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I don't press my motion, Sir."

The motion was by leave withdrawn.

Motions 277 to 294.

The following motions were not made :—

Mr. B. MUNISWAMI NAYUDU :—

277. *To reduce the allotment of Rs.* 15,45,780 *for forest establishment by Rs.* 60,000.

Mr. C. NATESA MUDALIYAR :—

278. *To reduce the allotment of Rs.* 4,50,000 *for travelling allowance by Rs.* 45,000.

Mr. B. MUNISWAMI NAYUDU :—

279. *To reduce the allotment of Rs.* 4·50 *lakhs for travelling allawance by Rs.* 45,000.

Mr. T. ARUMAINATHA PILLAI :—

280. *To reduce the allotment of Rs.* 4,50,000 *for travelling allowance by Rs.* 45,000.

Mr. C. RAMALINGA REDDI :—

281. *To reduce the allotment of Rs.* 4,50,000 *for travelling allowance by Rs.* 45,000.

Mr. R. SRINIVASA AYYANGAR :—

282. *To reduce the allotment of Rs.* 4,50,000 *for travelling allowance by Rs.* 50,000.

Dr. P. SUBBARAYAN :—

283. *To reduce the allotment of Rs.* 4,50,000 *for travelling allowance by Rs.* 45,000.

Mr. O. TANIKACHALA CHETTIYAR :—

284. *To reduce the allotment of Rs.* 4,50,000 *for travelling allowance by Rs.* 45,000."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—

285. *To omit the allotment of Rs.* 30,000 *for supervision staff for forest panchayat.*

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

286. *To omit the allotment of Rs.* 30,000 *for supervision staff for forest panchayat.*

Rao Bahadur T. BALAJI RAO NAYUDU :—

287. *To reduce the allotment of Rs.* 23,46,740 *for forest establishments by Rs.* 74,781.

Mr. T. ARUMAINATHA PILLAI :—

288. *To reduce the allotment of Rs.* 23,46,740 *for forest establishments by Rs.* 1,00,000.

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Mr. C. NATESA MUDALIYAR :—

289. *To reduce the allotment of Rs.* 23,46,740 *for forest establishments by Rs.* 1,00,000."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—

290. *To reduce the allotment of Rs.* 23,46,740 *for forest establishments by Rs.* 1,00,000.

Mr. C. RAMALINGA REDDI :—

291. *To reduce the allotment of Rs.* 23,46,740 *for forest establishments by Rs.* 1,00,000.

Dr. P. SUBBARAYAN :—

292. *To reduce the allotment of Rs.* 23,46,740 *fer forest establishments by Rs.* 1,00,000.

Mr. O. TANIKACHALA CHETTIYAR :—

293. *To reduce the allotment of Rs.* 23,46,740 *for forest establishments by Rs* 1,00,000.

Mr. B. MUNISWAMI NAYUDU :—

294. *To reduce the allotment of Rs.* 42·52 *lakhs for Forest by Rs.* 50,000."

Motion 295.

Mr. V. P. PAKKIRISWAMI PILLAI :—" Mr. President, I beg to make the following motion :—

295. *To reduce the allotment of Rs.* 42·52 *lakhs for Forest by Rs.* 10 *lakhs.*

" The Forest department has been running on as a losing concern last year and in view of our present financial stringency, I hope the House will accept my motion for the reduction."

The hon. Sir LIONEL DAVIDSON :—" Sir, after what I have already said, it is obvious that I could not possibly agree to a reduction of 10 lakhs, but I did undertake to effect a reduction of $2\frac{1}{2}$ per cent. If this motion is converted into that, I think it will come to a cut of about Re. 1,06,300. But I should like to have it made clear whether this one lakh and odd includes the personal Assistant's duty allowance or not, because if that be excluded, the amount of Rs. 1,06,300 would have to be reduced by Rs. 2,400."

The hon. the PRESIDENT :—" I had better explain the situation. The House has already passed a reduction of Rs. 2,400 on account of duty allowance to the personal assistant; that is the only reduction that has so far been made. Now, if this reduction of $2\frac{1}{2}$ per cent, or 1·06 lakhs, is made, this will also be a resolution of the House. But the other amount will be included in this. If the Government want to carry out both the resolutions, they cannot very well restore the item of Rs. 2,400 and deduct the amount under some other head. That is the point. The reduction of Rs. 2,400 having already been made, it comes to this, that the difference between Rs. 1·06 lakhs and Rs. 2,400 must be found from such other items as the Government may lay their hands upon. If it is the wish of the House to reduce the demand by Rs. 1·06 lakhs, somebody will have to get up and move formally an amendment to that effect."

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Mr. C. RAMALINGA REDDI :—" With your permission, Sir, I beg to move that Rs. 1·06 lakhs be substituted for the 10 lakhs."

Mr. V. P. PAKKIRISWAMI PILLAI :—" I agree to the amendment, Sir."

The amendment was then put and carried.

The hon. the PRESIDENT :—" The motion as amended will stand as follows :—

To reduce the allotment of 42·52 *lakhs for Forest by* 1·06 *lakhs.*"

The motion as amended was then put and carried.

Motion 296.

The following motion was not made :—

Dr. P. SUBBARAYAN :—

296. *To reduce the allotment of* 42·52 *lakhs for Forest by Rs.* 100.

The question that the Government be granted a sum not exceeding 42·52 lakhs minus 1·06 lakhs under Demand IV—Forest was put and carried.

The grant was made.

DEMAND V—REGISTRATION.

4-15 p.m. The hon. Rao Bahadur A. P. PATRO :—" I beg to move Demand V—Registration for a sum of Rs. 23·02 lakhs."

Motion 297.

The following motion was not made :—

Mr. C. RAMALINGA REDDI :—

297. *To omit the allotment of Rs.* 3,900 *for inspector of registration offices.*

Motion 298.

Rao Bahadur K. GOPALAKRISHNAYYA :—" I beg to make the following motion :—

298. *To omit the allotment of Rs.* 3,900 *for inspector of registration offices.*"

The hon. Rao Bahadur A. P. PATRO :—" This question whether we should dispense with the inspector of registration is under examination. I am investigating it and it is not yet complete. After receiving full information if it is found that he is not necessary, I will give effect to it."

The motion was by leave withdrawn.

Motions 299 *to* 306.

The following motions were not made :—

Mr. B. MUNISWAMI NAYUDU :—

299. *To omit the allotment of Rs.* 3,900 *for inspector of registration offices.*

Mr. T. ARUMAINATHA PILLAI :—

300. *To omit the allotment of Rs.* 3,900 *for inspector of registration offices.*

Sriman SASI BHUSHANA RATH Mahasayo :—

301. *To omit the allotment of Rs.* 3,900 *for inspector of registration offices.*

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Mr. O. TANIKACHALA CHETTIYAR :—

302. *To omit the allotment of Rs.* 3,900 *for inspector of registration offices.*

Mr. C. V. VENKATARAMANA AYYANGAR :—

303. *To omit the allotment of Rs.* 3,900 *for inspector of registration offices.*

Mr. T. C. TANGAVELU PILLAI :—

304. *To omit the allotment of Rs.* 6,000 *for Personal Assistant to the Inspector-General of Registration.*

Rao Bahadur K. GOPALAKRISHNAYYA :—

305. *To omit the allotment of Rs.* 6,000 *for Personal Assistant to the Inspector-General of Registration.*

Mr. O. TANIKACHALA CHETTIYAR :—

306. *To omit the allotment of Rs.* 1,800 *for duty allowance of personal assistant and inspector of registration offices.*

Motion 307.

Mr. B. MUNISWAMI NAYUDU :—"Sir, I beg to make the following motion :—

307. *To omit the allotment of Rs.* 1,800 *for duty allowance of personal assistant and inspector of registration offices.*

"The principle has been accepted by this House already and I formally make the motion."

The hon. Rao Bahadur A. P. PATRO :—"If in every other department, Sir, the Government cancels the duty allowance, the Registration department also will follow suit. If it is not cancelled in the other departments, it will stand here also."

Mr. C. RAMALINGA REDDI :—"I believe this is a matter on which the decision of the House will have to prevail. I request the Minister to consider the matter and honour the House. The question of principle has been discussed at great length and I hope the Council will carry this motion."

The hon. Rao Bahadur A. P. PATRO :—"If the House passes a motion that the duty allowance should be taken away, we are bound to obey."

Sriman SASI BHUSHANA RATH Mahasayo :—"In such matters we expect the hon. the Minister to give us the lead. It is for the Ministers to give the lead and set an example. Therefore we expect the hon. the Minister for Excise to come forward and say that he will cancel the duty allowance."

The hon. Rao Bahadur A. P. PATRO :—"I have already stated that I am bound to follow the decision of the House."

The motion was put and carried and the reduction was made.

Motions 308 to 312.

The following motions were not made :—

Mr. C. RAMALINGA REDDI :—

308. *To omit the allotment of Rs.* 1,800 *for duty allowance of personal assistant and inspector of registration offices.*

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Rao Sahib U. Rama Rao :—

309. *To omit the allotment of Rs.* 1,800 *for duty allowance of personal assistant and inspector of registration offices.*

Mr. T. Arumainatha Pillai :—

310. *To omit the allotment of Rs.* 1,800 *for duty allowance of personal assistant and inspector of registration offices.*

Rai Bahadur T. M. Narasimhacharlu :—

311. *To reduce the allotment of Rs.* 71,053 *for registration salaries and establishments by Rs.* 7,000.

Mr. M. Suryanarayana Pantulu :—

312. *To reduce the allotment of Rs.* 71,053 *for registration salaries and establishment by Rs.* 100.

Motion 313.

Mr. A. Ranganatha Mudaliyar :—"Sir, I beg to make the following motion :—

313. *To reduce the allotment of Rs.* 7,41,180 *for sub-registrars by Rs.* 30,000.

"It is printed as 3 lakhs. It is a mistake."

The hon. the President :—"I fear it is the hon. Member's mistake."

Mr. A. Ranganatha Mudaliyar :—"It is a mistake in my typed copy. Now we have a number of joint sub-registrars for each district. The system is really erroneous. The joint sub-registrar is practically in charge of the district registrar's office, but has no disciplinary powers over the district establishment. It is found to be satisfactory neither to the district registrar nor to the joint district registrar. I think the system of joint sub-registrars may be done away with and the system of registrars being placed in charge of the district headquarters reintroduced. One of the senior sub-registrars may be put in charge of the office and his post may be filled by a junior. If we do that there will be considerable economy effected."

The hon. Rao Bahadur A. P. Patro :—"The system that was proposed and which is referred to by my hon. friend was tried and found to be very defective. When you, Sir, were in charge of this department, you reorganized the whole thing and found that that system was not satisfactory and therefore the present system was introduced. The fact is that the district registrars have got inspection work also. They have to do the inspection of the sub-offices and during that time it is not possible to hand over charge to some head clerk or some probationary junior. That led to grave irregularities in many places. Therefore a responsible officer has to be placed in charge when the district registrar is absent. That is the reason why we have joint registrars. It is absolutely necessary to have them and I appeal to my friend Mr. Munshi Muhammad Abdur Rahman who nods assent."

Munshi Muhammad Abdur-Rahman Sahib Bahadur :—"It is necessary that joint district registrars should be in charge of offices."

The motion was by leave withdrawn.

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Motions 314 *and* 315.

The following motions were not made :—

Mr. T. ARUMAINATHA PILLAI :—

314. *To omit the allotment of Rs.* 900 *for duty allowance to the Registrar, Madras-Chingleput.*

Mr. B. MUNISWAMI NAYUDU :—

315. *To omit the allotment of Rs.* 900 *for duty allowance to the Registrar, Madras-Chingleput.*

Motion 316.

Mr. C. RAMALINGA REDDI :—" Sir, I beg to make the following motion :—

316. *To omit the allotment of Rs.* 900 *for duty allowance to the Registrar, Madras-Chingleput.*

" I wish to draw the attention of the hon. the Minister to the strong feeling in the House. If he will give an assurance that he will carry out the intentions expressed by the House I shall be glad."

The hon. Rao Bahadar A. P. PATRO :—" It is my duty to carry out the wish of the House."

The hon. the PRESIDENT :—" Then I will put the motion formally to vote."

The motion was put and carried unanimously and the reduction was made.

Motion 317.

The following motion was not made :—

Mr. O. TANIKACHALA CHETTIYAR :—

317. *To omit the allotment of Rs.* 900 *for duty allowance to the Registrar, Madras-Chingleput.*

Motion 318.

Mr. M. SURYANARAYANA PANTULU :—" Sir, I beg to make the following motion :—

318. *To reduce the total allotment of Rs.* 22,41,611 *by Rs.* 100.

" I only want to bring to the notice of the hon. the Minister that there are a large number of joint sub-registrars who are appointed for the purpose of assisting the district registrars."

The hon. Rao Bahadur A. P. PATRO :—" Probably the hon. Member was not in his seat when I explained the same matter."

The motion was by leave withdrawn.

Motion 319.

The following motion was not made :—

Mr. B. MUNISWAMI NAYUDU :—

319. *To reduce the allotment of Rs.* 23,04,164 *for Registration by Rs.* 10,000.

Motion 320.

Mr. A. RANGANATHA MUDALIYAR :—" Sir, I beg to make the following motion :—

320. *To reduce the allotment of Rs.* 23,04,164 *for Registration by Rs.* 100.

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"Just as in the Revenue department, it is possible in the Registration department also to re-organize district charges. The lighter charges of Gōdāvari, Guntūr, Kurnool, Bellary and Anantapur may be re-organized. I think it is a point worthy of consideration by the Minister. We used to have one district registrar in charge of more than one district before. Probably in the case of these lighter charges the old system might be reverted to. Inasmuch as you are keeping the joint registrars my proposal may be viewed favourably. There is the question of the inspector of registration offices. There is also the question of travelling allowance. These people are getting travelling allowance at rather very high rates. That is again a point which he might enquire into. For these reasons I have put this motion for consideration."

The hon. Rao Bahadur A. P. Patro :—"I shall certainly consider the points suggested by the hon. Member."

The motion was by leave withdrawn.

Motions 321 *and* 322.

The following motions were not made :—

Mr. C. V. Venkataramana Ayyangar :—

321. *To reduce the allotment of Rs.* 23,04,164 *for Registration by Rs.* 100.

Mr. M. Suryanarayana Pantulu :—

322. *To reduce the allotment of Rs.* 23·01 *lakhs under Registration by Rs.* 100.

The question that the Government be granted a sum not exceeding Rs. 23·01 lakhs minus Rs. 2,700 under Demand V—Registration was put and carried.

The grant was made.

Demand VI—Irrigation.

The hon. Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur :—"Sir, I beg to move Demand VI relating to irrigation and amounting to 60·72 lakhs. The details of that amount are to be found in the same document. I have already expressed to the House my feelings of regret at the reduced allotment which I have been able to secure in the matter of irrigation. I also explained the unavoidable circumstances which led to this unfortunate result. I should have very much wished to have obtained from the Finance Department as much money as would have enabled me to carry on some of my ambitious schemes but this was financially impossible.

"The House is fully aware that the financial condition of the province is far from satisfactory. This is the only grant, Sir, which the Legislative Assembly passed without a dissentient voice. The Finance Leader, as he is called, I suppose, of the democratic party in the Legislative Assembly, our friend Mr. Rangachariyar, urged upon the House the desirability of passing the whole demand under irrigation without the reduction of a single pie, as he rightly called expenditure on irrigation 'a national asset' (hear, hear); and I hope this House will also pass this grant intact and thus enable me to spend an already reduced allotment at least in the course of the next year for the development of irrigation."

4-30 p.m.

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[18th March 1922

Motion 323.

Sriman SASI BHUSHANA RATH Mahasayo :—"Sir, I beg to make the following motion :—

323. *To omit the allotment of Rs.* 23,760 *for* 11 *supervisors.*

"It is said that under this head, irrigation, which is a capital expenditure, we should not cut down any amount, as has also been well advised by the hon. the Revenue Member. But I see a lot of money is not at all going towards the capital expenditure but is wasted under the establishment. This is not in proportion to the capital expenditure that we are going to put in for the year. It is proposed, therefore, that these 11 supervisors are not necessary for this department. The sub-overseers and others are quite enough for the purpose."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH Sahib Bahadur :—"Sir, I may assure the hon. mover who has brought forward this motion that this question is engaging my attention already. I am aware that there are sub-overseers, overseers and supervisors employed in the minor irrigation department and while looking through the old correspondence which led to the creation of the office of supervisors, I was able to trace them back to the year 1914, when on the recommendation of the Board of Revenue it was decided to appoint one supervisor in areas where there were five or six sub-overseers at work. Ever since then, the supervisors have been in existence; but we are now in communication with the Collectors of the districts, who of course control all minor irrigation works, as regards the necessity of continuing these officers and whether sub-overseers or overseers would not suffice. The question is, I believe, nearly investigated and will soon be in the hands of the Government. After complete report from the Collectors and the Board of Revenue has been made thereon, I shall pass necessary orders and I shall certainly bear in mind the suggestion of the hon. Mover."

Sriman SASI BHUSHANA RATH Mahasayo :—"I do not press the motion."

The motion was by leave withdrawn.

Motion 324.

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, I beg to make the following motion :—

324. *To reduce the allotment of Rs.* 2,21,826 *for establishment by Rs.* 100.

"I wish to draw the attention of the hon. the Revenue Member to the very glaring fact that we have got plenty of establishments but no money for any work. The original works come to only Rs. 10,000; repairs and maintenance, 5 lakhs; establishment, nearly $2\frac{1}{4}$ lakhs. Thus establishment charges come to 50 per cent of the repairing charges. We thought that when some establishments were required for original works only a portion of them would be necessary for repairs. We may of course have the story that a number of people were permanently appointed originally and they have now no work to do. That only shows the evil of appointing men in anticipation of work but without any work actually. I would therefore like to know whether there is any possibility of reducing this establishment? In the sister department referred to in the next grant also the same thing happens and about that I have given notice of a separate motion. There also repairing charges come to 10 lakhs and establishment charges to $6\frac{1}{2}$ lakhs. There seems to be something wrong somewhere."

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18th March 1922]

Rao Bahadur C. V. S. Narasimha Raju :—" In this connexion I wish to draw the attention of the hon. the Revenue Member to the reduction under maintenance and repairs mentioned in paragraph 48 of the Finance Secretary's memorandum. It is stated there that 'the departmental budget estimate for 1922–23 aggregated 10·34 lakhs but as a result of the retrenchment policy the figure was reduced to 7·59, the chief reductions being ·42 under original works, 2·20 under maintenance and repairs.' I submit, Sir, it is a very regrettable thing that reductions should be made in the matter of maintenance and repairs. From the point of view of the cultivator, I hope the hon. the Revenue Member will try his best to come forward with an additional demand for maintenance and repairs out of the 5 lakhs reduced from his demand under revenue. Again in the next paragraph of the same memorandum it is sated : 'It is further proposed as a measure of economy to abolish all Tank Restoration Scheme divisions and in consequence the provision for Tank Restoration Scheme works has been restricted to 2·00 as against a demand of 4·80.' If at all any retrenchment is to be effected, it should be effected not by cutting the charges under maintenance and repairs of irrigation works and by giving up Tank Restoration Schemes. They are the main arteries even from the revenue point of view. They are items not to be touched. We have no right to enhancing such grants. Otherwise, I am sure the hon. the Revenue Member would have been besieged with such motions. If he just refers to the motions of the Council in the past in connexion with budget, he will find many motions to the effect that the minor irrigation works should be the last to be touched and that demand after demand was made to increase the grant under this head."

The hon. Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur :—" Sir, so far as the motion of the hon. Member Mr. Venkataramana Ayyangar is concerned, it refers to the total allotment of Rs. 2,21,826 appearing at page 62 of the budget estimate. I may at once simplify matters by telling him that this is a total which comprises the salaries of the supervisors whose elimination Mr. Sasi Bhushana Rath has just now suggested and which I have already undertaken to investigate : and if I am satisfied that a considerable reduction can be made under that head, I shall do so.

" Then, Sir, it would be rather difficult I think to carry out a proportionate reduction all through the arteries of the entire establishment machine, the moment a few thousands of rupees are cut down for expenditure under a few heads. It is not their fault that we have not provided funds sufficiently. On the other hand, the finances of the province did not permit sufficient allotments being placed at the disposal of each district for the purpose of carrying out these works. To throw overboard the permanent establishments in one year and again in another year when there are a few thousands of rupees more to spend to add a few more men, will not only dislocate the work but be inequitable. I quite see that the provision for the next year is unfortunately low. I would have been very glad indeed if it had been multiplied several times. But the finance of the province did not admit of my doing so. As the House will see, these are members of a permanent establishment and it is not at all proposed to add more under any one of these heads. On the other hand amongst temporary men it is proposed to reduce the 18 sub-overseers to 12, because it was found that these temporary men

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will have sufficient work. Wherever possible, reductions have been made but on account of reduction of work in one year, if I remove the permanent men, I am afraid I will be throwing overboard a large number of people ruthlessly.

"As regards the Tank Restoration subdivisions for which my hon. Friend regrets, I think there is no one here who has regretted more over that catastrophe than myself. But, Sir, my hon. Colleague, the Minister, came to the conclusion that there should be a retrenchment of 18 per cent in the establishment of the Public Works Department and I believe his eye fell on the Tank Restoration establishments as well and he has abolished the officers employed on that establishment. I could have done nothing except to have helped him in his attempts to carry on retrenchment, although it was with considerable regret I did so. I agreed to it as the unavoidable alternative".

Mr. A. Ranganatha Mudaliyar :—"May I know, Sir, whether it is open to the hon. the Revenue Member to tell us whether he dissented or agreed to the proposal after placing on record a mild protest?"

The hon. the President :—"I fear the hon. Member Mr. Ranganatha Mudaliyar is making a mountain of a mole hill".

The hon. Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur :—"In view of these circumstances, it will be apparent that the allotments entered for the next year are under peculiar conditions of the province very low. Complaint was made as regards the high percentage of permanent establishment compared with the actual amount of work done. Here again the Irrigation department barring minor irrigation works has got no establishment of its own for carrying out its general operations. It merely employs the establishment under the control of my hon. Colleague the Minister. So far as account keeping is concerned, the total expenditure incurred on account of public works establishment is adjusted between public works proper—buildings and roads—and irrigation. We have got to bear our own quota of the total expenditure. Whether we carry out works to the extent of 40 lakhs in a year or 35 lakhs, the establishment is there and therefore we are bound to bear a certain amount of expenditure. Otherwise, my hon. Colleague, the Minister, will certainly not agree to inflate his own expenditure and excuse Irrigation department from its legitimate share of the expenditure".

Rao Bahadur A. S. Krishna Rao Pantulu :—"Sir, I believe my hon Friend Mr. Venkataramana Ayyangar has in making the motion only raised the question of policy. I don't think he expected the Revenue Member to make any reduction when he moved this motion. The Revenue Member was good enough to tell us that he would have been glad if a larger allotment was made and he also reminded us of the discussion which took place in the Legislative Assembly. The only point for consideration is whether in a year when works have been cut out, and the Tank Restoration Scheme has been kept in abeyance and where estimates for original works have been given up, it is desirable to have this large establishment".

The hon. Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur :—"May I at once point out, Sir, that this establishment is independent of the Tank Restoration Scheme establishment? This is a permanent annexure to the Collectors' establishments working under tahsildars".

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Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I am quite aware of that, Sir. I wish to point out whether in a year when we are not doing useful work in the direction of improving these tanks, when there is a set-back to the policy which has been in operation for several years, steps could not have been taken for reducing that establishment much further. I am prepared to state that the Council will be glad to go to a further extent than the hon. Member, if he is in a position to come out with a further increase of expenditure under this department.

"He told us that quite against his will he could not provide for minor irrigation works being carried out to the extent to which he would desire. There is no justification for the continuance of the whole establishment without there being any proper work to keep them engaged. I would only ask the hon. the Revenue Member whether he could not come again and ask for a supplementary demand for carrying on minor irrigation works in the various parts of the presidency. So far as the Council is concerned, I believe I am voicing the feelings of several members when I say that it will meet all reasonable demands of the Government in matters of national concern. If retrenchment has been suggested in the matter of establishments and salaries, it is because of the feeling in this House and also abroad that there has been a large increase of salaries without a corresponding benefit to the people which would justify the increase in expenditure. If there has been actual benefit to the people by expansion of irrigation works, I have not the slightest doubt that this Council will not grudge to vote for the establishments. But so far as we have seen, there has been a fall in the matter of irrigation works. It is not known how far the declarations made by the Irrigation Commission have been carried out. I do not know what effect has been given to these proposals during the coming year. I trust that the hon. Member will not swerve from the position which has been taken hitherto that all the irrigation works should be finished in the course of a certain number of years. I only repeat my request that if it is necessary for the hon. the Revenue Member to retain the establishment for the coming year, he will justify its existence by providing for extension of irrigation works and by seeing that these works are carried out."

4-45 p.m.

Mr. C. V. VENKATARAMANA AYYANGAR :—"I wish to say a few words, Sir. Certainly my idea is not to reduce the expenditure in this department, We not only do not want to curtail the expenditure, but if we had the power, we can go beyond and ask for more expenditure being incurred under this head. It is because we have not got the power to increase the expenditure that we have tabled this motion to elicit information and see whether more money could be spent on irrigation works. As for the establishment, I will be the last man to ask for permanent establishment being disbanded. Already many of the temporary hands who have been working for several years have been disbanded. My only request is that if in the course of the year vacancies occur they may be kept without being filled up. And the sum so spared over the establishments may be utilized for irrigation works. Irrigation works can be extended in two ways, one is by asking for additional grants and the other is by saving money and utilizing the amount saved. With these few words, Sir, I gladly withdraw my motion."

The motion was by leave withdrawn.

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Motion 325.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I beg to make the following motion :—

325. *To reduce the total allotment of Rs.* 7,59,000 *for miscellaneous irrigation expenditure by Rs.* 100.

" This motion covers the whole of the allotment for miscellaneous irrigation expenditure and is not merely confined to the question of establishments like the previous motion. Perhaps the hon. the Revenue Member is aware that when he was in this Council in a much less responsible position, he was one of those who was very enthusiastic in regard to the affairs of our old irrigation works. I remember having heard him many times ventilating that view. For the past ten years this question has been agitating the country. It was discussed a number of times and one of the members of the Board of Revenue wrote a big volume on this matter. Mr. Buckley was very eloquent and one day he and other members of the Board were talking about the very things we are now suggesting. We are now suggesting that we should have a certain amount of control and we wish that efficiency is maintained, at the same time cutting down the allotment under this head. After all hon. Members will see that an establishment costing two lakhs and odd has to be employed in spending five lakhs in repairs and Rs. 10,000 in new works."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I have already stated, Sir, that a certain percentage of the establishment is employed by the Public Works Department."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I am not however distributing the blame between the Public Works Department and the Irrigation Department. I want to impress upon him the absolute necessity of putting more money on repairs of tanks under the control of the revenue establishment. What I do contend is that it was open for the hon. the Revenue Member to have pressed for money in regard to this matter. I do not know whether in the existing areas it is open to the Government to spend borrowed money on this class of works. I am not quite sure ; the heading is 'other revenue expenditure financed from ordinary revenues'. I submit that it is absolutely unsatisfactory and it is a sheer waste of money to have this huge establishment on a permanent basis and not to allow money to be spent on the most necessary question of giving better facilities for irrigation. I think, Sir, when we are trying to borrow money for the construction of the Rameswaram canal and for distributing money for the Cochin harbour and for giving a large amount to the Madras Corporation, it is absolutely unsound to leave the village tanks without any repairs. I do not however wish to complicate the tank restoration schemes. But unfortunately I see that in regard to irrigation works for the coming year, even productive works for which my hon. friend might have borrowed money have been made to suffer. I see absolutely no money is provided for improvement in the deltas. I do not know who is responsible for this part of the budget adjustment ; but all the same the Government is collectively responsible to this House for seeing that productive works are properly looked after. If only my hon. Friend had been keen about the matter he could have obtained the necessary allotment. But unfortunately that has not been done not only with regard to this class of works, but also I am sorry to say suitable attention has not been paid to the extension of minor irrigation works under the charge of the Revenue Department. There is no expenditure which can be desired for on any works more

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than on the improvement of irrigation works. I would therefore request hon. Members who are responsible for the administration of the finances of the presidency to carefully consider this question of improving the irrigation sources. At the top of it all, I see that my hon. Friend who promised to have a special party has taken steps to abolish it from the next year. It may be a measure of economy but it is certainly a measure of false economy. Investigation of irrigation projects pending for the past thirty years have been kept in abeyance for another year, and in the meantime officers who have been getting on with the schemes are retiring, and then they will have to begin again *da capo*. I trust that the hon. the Revenue Member will initiate a new policy and put in as much money as possible for schemes which have been pending for years. I can assure the hon. the Revenue Member that he will have the support of the entire House in securing sanction for any expenditure which he may bring forward for irrigation purposes. I trust that whatever has been said to-day in regard to this matter will receive due consideration at the hands of the Government."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, I fully share the depth of feeling and the very pathetic appeal which my hon. Friend has made in respect of irrigation which is under my control. Nobody, I think, was sadder than myself when I found that it was not possible for me to secure for the next year as much money as I would indeed wish to be spent on this head. But, Sir, the interests of the province and its present financial position and all other circumstances precluded me from asserting myself over and above the other demands which I think from the standpoint of other members of Government responsible therefor have their own importance. Of course the only thing that I could have done as the hon. the Mover suggested was to have gone in for a larger loan for the purpose of carrying out more works in the course of the next year. But, Sir, I may at the same time assure him that if that was considered financially possible, I should have done so. By 'financially possible,' I mean that if there was any scheme, cut-and-dry and completely investigated, waiting only for execution for the purpose of necessary funds being provided, then I might probably have embarked upon that policy. But as I have already told the House on a previous occasion there is no such cut-and-dry scheme ready for execution. There are more schemes in what I may call, half finished, very nearly completed, and nearly investigated, stage. Therefore it was impossible for me to have tried to spend any money from loans on technically productive expenditure. I could not have utilised loan money for unproductive expenditure. That of course I would be prevented from doing. Then, again, the financial possibilities of the province are a great consideration. It was not merely a question of borrowing but the question with which we would have been faced for the next year would be the question of the repayment of the loan both for principal and interest. The repayment of that loan would have been a charge upon the revenues of the province until the particular scheme in respect of which that money was spent was able to yield a sufficient revenue ; and no scheme on which any money is sunk to-day can become productive to-morrow, for in the early stages, we will have to wait for a sufficiently long period after the execution of the work. Then, there is the second stage when the revenue that is expected does not come in full, and then at the last stage, it becomes fully remunerative. These experiments could not be undertaken at a time when the revenues of the province were not

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sufficient for meeting even the ordinary expenditure. We have had to resort to additional taxation to keep the pot boiling and to resort to borrowing from the Government of India for the purpose of meeting our ordinary needs from day to day. Under these circumstances it was not even possible to have asked for any large loan with a view to its being expended on productive works which have yet to be fully examined and decided upon.

"I should like to say that this is a time of peculiar financial stringency. 5 p.m. Under the circumstances I was not able to scrape more money. If in the next year it is possible to transfer money from any other head I shall gladly utilize it for irrigation works. Nothing will gladden my heart more than to apply for supplementary grant next year for irrigation schemes from any other possible savings. This is a period of great financial depression, and it has depressed my heart very much indeed when I find it impossible to secure more money for irrigation purposes."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I have only one word to say. This is not the time to examine the statement of my hon. Friend on its merits. No doubt this is a period of financial stringency. If my hon. Friend is not able to find more money for the irrigation schemes, the best way is not to send away the special officer who is working at new schemes, but to retain his services and to ask him to continue so that when better times come we can take them in hand."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"At present I have asked the special officer to work till the end of April next. If the schemes prepared by him are to be taken up after examination by our expert, the Chief Engineer for Irrigation, it would involve an expenditure of a few crores of rupees."

The motion was by leave withdrawn.

Motions 326 *and* 327.

The following motions were not made :—

Mr. C. V. VENKATARAMANA AYYANGAR :—

326. *To reduce the allotment of Rs.* 6,44,842 *for establishment by Rs.* 1,00,000.

Mr. C. V. VENKATARAMANA AYYANGAR :—

327. *To reduce the allotment of Rs.* 2,21,247 *for establishment by Rs.* 50,000

Motion 328.

Rai Bahadur T. M. NARASIMHACHARLU :—"Sir, I beg to make the following motion :—

328. *To reduce the allotment of Rs.* 6,33,122 *for navigation, embankment, etc. works by Rs.* 50,000.

"We have two grievances, Sir : One is that more money is not spent on works. For the next year only Rs. 70,000 are to be spent for works and Rs. 4,00,000 for repairs. But the hon. the Revenue Member said that there was no more money available for the purpose. Our other grievance is that more than sufficient money is spent on establishment. Our grievance is all the greater because the estimate for next year is Rs. 2,21,247, whereas the revised estimate for 1921–22 is only Rs. 1,90,000 for establishment. When more money could not be provided for works it is by no means conceivable how

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there could have been an increase of about Rs. 30,000 on establishments. I appeal to the hon. the Revenue Member to examine this question well. Suppose he has no work in his house, will he continue to employ more workmen than are necessary? He will simply tell them: 'I have no work for you. I have to dispense with your services and so goodbye.' That is exactly what should be done in the department. No doubt he has said that the Supervisors may have to go. But there are hosts of other officers whose services can be dispensed with."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, there are two kinds of Irrigation officers. One is the Minor Irrigation staff, and they work under the control of the Revenue Department. I have done what could be done towards retrenchment in the Minor Irrigation Department. The other forms part of the Public Works Department, though they are in charge of Irrigation works. A large portion of the allotment under Establishment is the contribution made to the department concerned towards the pay of the Public Works officers in charge of irrigation works. So all the appeals and requests to bid goodbye to the latter establishment should be addressed to the hon. the Minister for Public Works. But everybody is aware that he has already done his level best in that direction. The hon. Member regrets that more money than last year is proposed to be spent on establishments, though more money could not be spared for Works. The increase in the amount under Establishment is due to the fact that time-scale is in operation in every department. Once you have undertaken the responsibility for time-scale you must be prepared for increased expenditure under salary as years advance. I have to add also that we would have to pay the same percentage contribution to the Public Works Department whether we budget for a small amount of work or whether we have ten times the work. This is the reason why it has not been possible to reduce the allotment under 'Salaries'."

Mr. A. RANGANATHA MUDALIYAR:—"I am sorry for the speech of the hon. the Revenue Member. It is unfortunate that the responsibility is shifted from one shoulder to another. Would it not be better if the various departments co-ordinate and see what could be done in the matter of retrenchment? The remedy seems to consist in either the transfer of the subject of 'Irrigation' to the Minister in charge of 'Public Works' or in the transfer of 'Public Works' to the hon. the Revenue Member who looks after 'Irrigation.' Further, cannot these overseers and others who have not much work to do be employed in other departments? There are local bodies who require their services, and it will be advantageous to the general tax-payer if the services of these officers are utilized for Local Board work. I am not giving this as a well-thought-out suggestion, but I simply throw it out to be considered for what it is worth."

Rai Bahadur T. M. NARASIMHACHARLU:—"I regret the hon. the Revenue Member has not thought fit to accept this proposal for the reduction of the modest sum of Rs. 50,000 out of an allotment of Rs. 6,33,122. It is really a very small sum, and something can certainly be done to reduce the allotment. It is false economy to retain a large establishment while you have no work."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I have really nothing more to add to what I have already said. Proposals are made on the basis that these officers of the Irrigation Department have no

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work, and that they can be sent to the help of other departments. These officers have work to do. It may be that they have not much work to do, but they do have work."

The motion was put to the vote and lost.

Motion 329.

The following motion was not made :—

Sriman Biswanath Das Mahasayo :—

329. *To reduce the allotment of Rs.* 33,07,260 *under* '*XV. Irrigation*' *by Re.* 1.

Motion 330.

Mr. M. Suryanarayana Pantulu :—"I beg to make the following motion :—

330. *To reduce the allotment of Rs.* 33,07,260 *under* "*XV. Irrigation*" *by Rs.* 100.

"We find in page 38 of the memorandum of the Financial Secretary the following :—

'Works for which neither Capital nor Revenue Accounts are kept : Account 7·13, Budget estimate for 1921–22—7·69, Budget estimate for 1922—6·95 lakhs.'

"That is to say we have budgeted ·74 lakh less than what has been spent in 1920–21. I submit, whatever retrenchment may be effected in the matter of retrenchment in salaries it is not right that there should be a diminution in the expenditure on actual repairs of minor irrigation works. I therefore submit, Sir, that the policy of the Government in spending less for actual repairs of irrigation works is certainly not correct, and something must be done to remedy this."

The hon. Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur :—"I have nothing more to add to what I have already said. The reason why particular items were surrendered is because we considered that postponement of expenditure on one or two items included originally would not in any way be serious in a period of financial stringency. That is the reason why we surrendered that outlay. Otherwise we would not have surrendered the amount."

The motion was by leave withdrawn.

Motion 331.

5-15 p.m. Diwan Bahadur M. Ramachandra Rao Pantulu :—"Sir, I beg to make the following motion :—

331. *To reduce the allotment of Rs.* 39,000 *for construction of irrigation, etc. works by Rs.* 100.

"Sir, I wish to call attention to the necessity for more expenditure in this connexion. This question was raised last year by Mr. Padsha Sahib, and it was then brought to the notice of the hon. the Revenue Member that the necessary steps with a view to protect famine-affected areas should be undertaken by the Government. In that connexion I also brought to the notice of the hon. the Revenue Member the recommendations of the Irrigation Committee, viz., that the best way of relief for all time to come is not by spending

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money when famine occurs but to take steps against its recurrence by the construction of suitable irrigation works. Nothing has been done, and the allotment under this head has been cut down from Rs. 64,000 in 1920–21 to Rs. 39,000 for 1922–23. The budget estimate for 1921–22 was Rs 58,000 and the revised estimate for the same year was Rs. 48,000. There are two other items, Sir, in this connexion which I should like to mention. This sum seems to provide for construction of irrigation, navigation, embankment and drainage works. I ask my hon. friend whether there are not proposals for the construction of drainage works, whether any attempt has been made to answer the demand of the Public Works officers for more money, for drainage works. The question of Gōdāvari and Kistna drainage has been one which has been continuously brought to the notice of the Government, and we cannot see anything either in the budget or in the explanatory note as to what action has been taken during the year. When the hon. Member goes round to Gōdāvari and Kistna he is being flooded with deputations and with petitions of various kinds. He has seen hundreds of ryots representing to him the subject of drainage. I should like to ask what has been done in this matter. Where is the evidence that any attempt has been made to satisfy the people at least to the extent to which it is possible to do so in regard to this question of drainage? I think if there is one thing which is causing considerable dissatisfaction for the last 20 years it is this drainage. It has been brought to the notice of the hon. the Revenue Member continuously and yet nothing has actually been done. On the contrary the matter seems to be going backwards. I would not be satisfied merely with pious hopes that something would be done if money were available. I should like to know what it is the Government are going to do to rectify these defects.

"There are a good many other things about the deltaic systems. I should like to know the policy of the Government in regard to these and what attempts have been made to redress the grievances of the ryots. Thousands of acres are flooded year after year and the country is losing valuable crops. Is there one matter in which the Government has got a forward policy? If there is a forward policy, there would have been schemes all over the Presidency on which expenditure of several crores would be required."

The hon. Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur:—"I may at once point out that the provision that has been made in the next year's budget is in respect of certain works which we found were necessary even in a year of financial stringency. I had given an undertaking to the House sometime ago when, I think, my hon. Colleague for Public Works was in the other bench and had pressed the claims of the Ganjām district in the matter of irrigation. I had then given him an assurance that the Ganjām district deserved every consideration in the matter of the development of irrigation facilities, and that our first pet child in the matter of any possible expenditure for the development of irrigation would be Ganjām. Because, not only Ganjām had to pass through a number of famines during recent years, but we also knew that even in ordinary years, except depending upon what one calls the heaven, there is no other chance for these people to secure water for the purpose of irrigating their lands. The Rushikulya project was one that was prominently brought to the notice of the Council at that time. I agreed to keep the claims of Rushikulya in my mind. I am glad to tell you, Sir, that so far as the slender means at our disposal permitted, I have given the Rushikulya system a place of honour in our programme. There were a few other schemes which were

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under the consideration of Government and for which funds had been provided from time to time and which we thought we should not neglect. The other scheme that is included therein is the Nagavalli river system. We have got also the Cuddapah-Kurnool Canal improvements included therein. We have included the restoration of the Kanyampalaiyam anicut in the Coimbatore district. These are the four schemes which we found possible to provide funds for. There were a number of other schemes also. The amount that was asked by the department was Rs. 96,800. On the scrutiny of the estimates we found that the amount that could be regarded as obligatory was Rs. 33,830. There were of course a few other items too which we found were not ready for execution. In the Nellore district we have the Hajipuram tank, the Punalur tank, the Anasamudram tank, and in the Chingleput district the Madras water-supply and irrigation system. That of course is a huge scheme to which we did not commit ourselves, and we do not wish to incur any initial expenditure on any scheme which would involve us in a large commitment. So, as I said, the selection of works for any given year largely depends on the availability of funds, and so far as the money that was placed at the disposal of this particular head was concerned, I had to exercise my judgment and discretion in distributing that amount. That I have not been able to secure more is indeed to be regretted. That I have not been able to do so is neither my own fault nor the fault of the hon. the Finance Member. On the other hand, the fault has already been laid by the Finance Member at other doors. That of course accounts for the whole thing. If more money is available I assure the hon. Member that I can utilize it for some of the important schemes which deserve our attention. My only difficulty is that I could not scrape a pie more than what I have been able to secure for the irrigation department, and if the hon Members can make it possible for me to secure more money, I can assure the House that I shall be very glad to do what I can in that direction."

Diwan Bahadur M. Ramachandra Rao Pantulu :—"I should like to make one observation. The finances of any year are either by way of current revenues or by way of loan funds. I should like to put before the hon. the Finance Member this fact, viz., the power of Government to borrow for productive works is absolutely unlimited—I do not say unlimited by the conditions of the market, but unlimited by rules. The Devolution rules are sufficiently elastic to place in the hands of the Finance Member and the Revenue Member any amount of money provided they put forward productive schemes. It was complained that whenever the Madras province had a scheme they had to go to the Government of India for money, and their resources are limited to 12½ lakhs. That restriction has been removed. I ask the hon. the Finance Member whether this year any loan money has been earmarked for schemes of irrigation works, that are pending. I will merely suggest this, that they should have this matter continuously pushed forward, and independently of taxation proposals or current revenues of the Presidency, they have in their hands an instrument for good, and that is, to borrow as much money as possible as required by the circumstances of the case for major productive works. Why don't they do it? That is my point. This year I have not seen any evidence or anxiety to put more money into productive works. Having said that I do not wish to say anything more, unless the hon. the Finance Member wants to say anything."

The motion was by leave withdrawn.

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18th March 1922]

Motion 332.

Rai Bahadur T. M. NARASIMACHARLU :—"Sir, I beg to make the following motion :—

332. *To reduce the allotment of Rs.* 93,400 *for hydro-electric surveys by Rs.* 50,000.

"Sir, I shall shorten my speech by a mere request for information as to why this year there should be more provision made under this head than in the last year."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I think this is a matter in which I am glad my hon. Colleague the Minister for Industries is greatly interested. This provision was inserted in compliance with a very strong note which he has put on record, advocating the expenditure of this money which he regards as most essential for the development of the industrial life of this country. If the hon. Mover thinks that it is a waste of money, I have no objection to withdraw it."

The hon. Rai Bahadur K. VENKATA REDDI NAYUDU :—"This industrial survey was originally conducted by the Government of India. Some electrical surveys were made, some charts were prepared and the sources where electricity was forthcoming were ascertained. Later on, when the Department of Industries was transferred, firstly to the provinces, and then to the Ministers, the Indian Government practically washed their hands of it, with the result that we have been busy with experiments regarding power which electricity alone could supply. If that is developed, we can utilize it for the various industries in the country. I would therefore earnestly appeal to the hon. Member to realize that this is intended for developing electricity and, through that, our industries."

Rai Bahadur T. M. NARASIMHACHARLU :—"I do not wish to press it as the hon. the Minister for Development says that it is required to develop our province."

The motion was by leave withdrawn.

The question that the Government be granted a sum not exceeding Rupees 60·72 lakhs under Demand VI—Irrigation was put and carried.

The grant was made.

The Council adjourned at 5–30 p.m. to meet at 11 a.m. on Monday the 20th March 1922.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

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